

No. 12868

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United States  
Court of Appeals  
For the Ninth Circuit.

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RAYMOND WRIGHT,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

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Transcript of Record

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Appeal from the District Court  
for the Territory of Alaska,  
Fourth Division.

FILED

MAY 23 1951

PAUL F. O'BRIEN,

CLERK



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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ATTORNEYS OF RECORD

EVERETT W. HEPP,

Fairbanks, Alaska,

Attorney for Plaintiff & Appellee.

QUINCY W. BENTON,

JULIEN A. HURLEY,

Fairbanks, Alaska,

Attorneys for Defendant & Appellants.



In the District Court for the District of Alaska,  
Fourth Judicial Division  
No. 1507 Cr.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND WRIGHT,

Defendant.

INDICTMENT

The Grand Jury charges:

On or about the 14th day of April, 1950, in the Fourth Judicial Division, Territory of Alaska, Raymond Wright feloniously induced and procured a woman, to wit, Vanada Donaby, for the purpose of prostitution, in violation of Section 65-9-21 of the Alaska Compiled Laws Annotated, 1949.

Dated at Fairbanks, Alaska, this 17th day of October, 1950.

A True Bill

/s/ RAY KOHLER,

Foreman of the Grand Jury.

/s/ EVERETT W. HEPP,

United States Attorney.

Witnesses before the Grand Jury.

VANADA DONABY,

NATHANIEL WOOD,

WILLIAM JONES.

[Endorsed]: Filed October 17, 1950.

[Title of District Court and Cause.]

### MOTION TO DISMISS

Come now the above-named defendant by *their* attorney, Quincy Benton, and respectfully move this Court for an order dismissing the Indictment herein for the reason that the same does not state facts sufficient to constitute a crime.

/s/ QUINCY BENTON,  
Attorney for Defendants.

Service of copy acknowledged.

[Endorsed]: Filed October 25, 1950.

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[Title of District Court and Cause.]

### ORDER, PLEA & SETTING TIME FOR TRIAL

The Government was represented by Everett W. Hepp, U. S. Attorney; the defendants were present in person and represented by Quincy Benton.

Respective counsel had argument on the defendants' Motion to dismiss the Indictment. It was Ordered that the motion be denied.

This being the time set for the defendants to plead to the Indictment, upon being asked if they were Guilty or Not Guilty of the crime charged in the Indictment, to wit: Inducing & Procuring Female for Prostitution, both defendants pled Not

Guilty, which plea was Ordered accepted, and the trial of this cause was set to follow 1517 Cr.

Entered in Court Journal Oct. 25, 1950.

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[Title of District Court and Cause.]

PLEA & SETTING TIME  
FOR TRIAL

The Government was represented by Everett W. Hepp, U. S. Attorney, the defendants were present in person and represented by Quincy Benton.

The Plea of the defendants to the Indictment as entered on October 25, 1950, being in error, no plea having been made by the defendants, It was Ordered that the Plea be entered forthwith.

Upon being individually asked if they were Guilty or not Guilty of the crime charged in the Indictment, to wit: Inducing and Procuring Female for Prostitution, each defendant individually pled Not Guilty which Plea was accepted and Ordered entered and the trial of this cause was set for 10:00 a.m., Friday, November 3, 1950, and the defendants were discharged from custody.

Entered in Court Journal Nov. 2, 1950.

In the District Court for the District of Alaska,  
Fourth Judicial Division

No. 1507 Cr.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND WRIGHT,

Defendant.

### VERDICT

We, the Jury, duly empaneled and sworn to try the above-entitled cause, do, from the law and the evidence therein, find that the defendant, Raymond Wright is guilty of the crime of feloniously procuring a woman for the purpose of prostitution as set forth in the indictment in this case. .

Dated at Fairbanks, Alaska, this 6th day of November, 1950.

/s/ ELMER R. O'NEAL,  
Foreman.

Entered in Court Journal Nov. 6, 1950.

[Endorsed]: Filed November 6, 1950.

In the District Court for the District of Alaska,  
Fourth Judicial Division

No. 1507 Cr.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND WRIGHT,

Defendant.

### JUDGMENT AND COMMITMENT

On the 22nd day of November, 1950, came the United States Attorney, and the defendant, Raymond Wright, appeared in person and by counsel.

It Is Adjudged that the defendant has been convicted on a verdict of guilty of the crime of feloniously procuring a woman for the purpose of prostitution, committed in the Fourth Judicial Division, Territory of Alaska, on or about the 14th day of April, 1950, by the defendant feloniously procuring a woman, to wit, Vanada Donaby, for the purpose of prostitution; and the defendant having been asked whether he had anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court;

It Is Adjudged:

That the defendant is guilty of the crime of Procuring a Woman for the purpose of Prostitution, and that he shall be confined in the United States

Penitentiary at McNeil Island, Washington, for a period of three (3) years, such sentence to commence on the 22nd day of November, 1950.

It Is Ordered that the Clerk deliver a certified copy of this Judgment and Commitment to the United States Marshal, or other qualified officer, and that the same shall serve as the commitment herein, and that said defendant pay the costs of this action in the sum of \$36.00 to be taxed by the Clerk of the Court.

Done at Fairbanks, Alaska, this 22nd day of November, 1950.

/s/ HARRY E. PRATT,  
District Judge.

Entered in Court Journal Nov. 22, 1950.

[Endorsed]: Filed November 22, 1950.

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[Title of District Court and Cause.]

### NOTICE OF APPEAL

Raymond Wright, Fairbanks, Alaska.

Julien A. Hurley and Quincy Benton, Attorneys  
for defendant.

Offense: Inducing and procuring a woman for the purpose of prostitution.

Whereas, Raymond Wright was duly tried and by a jury's verdict convicted of the crime of feloniously procuring a woman for the purpose of prostitution on the 22nd day of November, 1950; and was



sentenced by the court to be confined in the United States penitentiary at McNeil Island, Washington, for a period of three years.

The said Raymond Wright, defendant, is now confined in the Federal jail in the Federal Building at Fairbanks, Alaska.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit, from the above-stated judgment.

Dated this 27th day of November, 1950.

/s/ RAYMOND WRIGHT,  
Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed November 27, 1950.

---

[Title of District Court and Cause.]

### ORDER FOR RELEASE

Whereas, Raymond Wright, the above-named defendant, was duly tried and, by a jury, convicted of the crime of feloniously procuring a woman for the purpose of prostitution, and, on the 22nd day of November, 1950, sentenced to be confined in the United States penitentiary at McNeil Island, Washington, for a period of three years; and

Whereas, the said Raymond Wright has furnished bail in accordance with the law thereto pertaining.

Now, therefore, you, the United States Marshal for the Fourth Division of the Territory of Alaska,

are instructed to release the said above-named defendant pending further orders from the above-mentioned Court.

Done this 27th day of Nov., 1950.

/s/ HARRY E. PRATT,

Judge of the District Court.

Receipt of copy acknowledged.

Entered in Court Journal Nov. 27, 1950.

[Endorsed]: Filed November 27, 1950.

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[Title of District Court and Cause.]

ORDER EXTENDING TIME TO FILE,  
RECORD AND DOCKET TRANSCRIPT

On motion of attorney for the above-named defendant, Raymond Wright, for an order extending the time for filing, recording and docketing the transcript of the above-entitled case on appeal, and it appearing to said Court that by reason of the necessity for the Court Reporter to order supplies for preparing said transcript; said Court Reporter's absence from the jurisdiction of the above-entitled Court; said Court Reporter's time since the filing of the Notice of Appeal having been taken up by his regular trial reporting duties; and the possibility that such condition will continue for some time, it is inadvisable to require the Clerk of this District Court to prepare and deliver said record on appeal within the time heretofore allowed, and

said Court being duly advised in the premises and good cause appearing therefor,

It Is Hereby Ordered That the time within which the record on appeal in this case shall be deposited and filed with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California, and said case docketed therein, be and it is hereby enlarged to and including the 130th day following the date of filing the Notice of Appeal in said above-entitled case; namely: the 25th day of February, 1951.

Dated at Fairbanks, Alaska, this 5th day of January, 1951.

/s/ HARRY E. PRATT,  
District Judge.

Entered in Court Journal Jan. 5, 1951.

[Endorsed]: Filed January 5, 1951.

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[Title of District Court and Cause.]

PRAECIPE FOR TRANSCRIPT OF RECORD

To: John B. Hall, Clerk of the above-entitled Court:

You will please prepare transcript of record in the above-entitled cause, to be filed in the office of the Clerk of the United States Court of Appeals for the Ninth Circuit sitting in San Francisco, California, upon the appeal heretofore perfected at said Court, and include therein the following papers and records, to wit:

1. Indictment.
2. Motion to Dismiss Indictment.
3. Order Overruling Motion to Dismiss Indictment.
4. Order, Plea and Setting Time for Trial.
5. Verdict.
6. Judgment and Commitment.
7. Exhibit Number 1.
8. Notice of Appeal.
9. Order for Release.
10. Order Extending Time to File Record and Docket Transcript.
11. Transcript of Testimony and Trial.
12. Praecipe for Transcript of Record.

The transcript is to be prepared as required by law and the rules and orders of this Court and the United States Court of Appeals for the Ninth Circuit and should be forwarded to said Court in San Francisco so that the same may be docketed therein on or before the 25th day of February, 1951.

Dated at Fairbanks, Alaska, this 23rd day of February, 1951.

/s/ QUINCY BENTON,

/s/ JULIEN A. HURLEY,

Attorneys for Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed February 23, 1951.

In the District Court for the District of Alaska,  
Fourth Judicial Division

No. 1507 Criminal

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND WRIGHT and VERNESTINE  
WRIGHT,

Defendants.

APPEARANCES

EVERETT W. HEPP,

United States Attorney,

Fairbanks, Alaska,

Attorney for Plaintiff.

QUINCY W. BENTON,

Fairbanks, Alaska,

Attorney for Defendants.

JULIEN A. HURLEY,

Fairbanks, Alaska,

Attorney for Defendants.

PROCEEDINGS

Before: Hon. Harry E. Pratt,

District Judge.

Be It Remembered, that upon the 3rd day of  
November, 1950, at 10:00 o'clock a.m., the above-

named defendants were present in court in person and represented by their attorney, Mr. Quincy Benton and the plaintiff represented by Mr. Everett W. Hepp, United States Attorney; the Honorable Harry E. Pratt, District Judge, presiding;

The Court: Time set for trial, cause number 1507 criminal, United States against Raymond Wright, et al. Counsel ready?

Mr. Hepp: Government's ready.

The Court: Very well. Enter the names of the jurors in the box.

Mr. Benton: If your Honor please, at this time, I would like to have Mr. Hurley's name entered as associate counsel.

The Court: May be so entered.

(Whereupon, twelve prospective jurors' names were drawn and entered the box.)

Clerk of the Court: Box is full, your Honor.

(The prospective jurors were sworn by the Clerk of the Court and thereupon examined by Mr. Hepp and Mr. Benton until 12 o'clock noon.)

(The court duly admonished the Jury and the trial of this cause was recessed until 2 o'clock p.m.) [1\*]

(At 2 o'clock p.m., November 3, 1950, came all parties as heretofore, respective counsels, defendants in person and members of the regular panel of the Petit Jury excepting those al-

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\* Page numbering appearing at foot of page of original Reporter's Transcript of Record.



ready excused from the trial of this cause, and the trial of this cause was resumed.)

(A jury was duly empaneled and sworn.)

The Court: Proceed with the opening statements.

Mr. Hepp: At this time, your Honor, I would like to have the witnesses placed under the rule.

The Court: All witnesses will remain out of the courtroom until called to testify. Any witnesses in the courtroom will go outside the courtroom and remain out until called.

(Mr. Hepp presented his opening statement to the Court and Jury.)

(Mr. Benton presented his opening statement to the Court and Jury.)

The Court: Take a recess until five minutes after three.

(At this time, a short recess was taken.)

The Court: Call the roll of the jury.

Clerk of the Court: They are all present your Honor.

The Court: Counsel ready to proceed with the trial of this case? [2]

Mr. Hepp: Ready.

Mr. Benton: Ready.

Mr. Hepp: Call Vanada Donaby.

## VANADA DONABY

called as a witness in behalf of the Plaintiff, being first duly sworn, testified as follows:

## Direct Examination

By Mr. Hepp:

Q. Would you state your name to the jury please?      A. Vanada Donaby.

Q. How old are you, Vanada?      A. 23.

Q. When were you 23?

A. November 16th.

Q. Have you ever lived here around Fairbanks?

A. Yes, I have.

Q. When did you come to Fairbanks?

A. In February.

Q. February of what year?      A. Of '50.

Q. Where had you lived before you came to Fairbanks?      A. Seattle, Washington.

Q. Were you born and raised there?

A. No, I wasn't.

Q. Where were you born? [3]

A. Murphysborough, Illinois.

Q. Spent quite a bit of your life, though, in Seattle, have you?

A. I have been there ever since '44.

Q. When did you say you came to the Territory?

A. February.

Q. Did you work after you came to the Territory?      A. Yes, I did.

Q. Where did you work?

A. Triple X Barbecue.

Q. Is that on Cushman Street, South Cushman?

A. Yes.



(Testimony of Vanada Donaby.)

Q. How long did you work there, Vanada?

A. I worked there from February until first part of April. I don't remember.

Q. Did you leave that place?

A. At that time?

Q. Did you leave the Triple X the first part of April?

A. Yes, I did.

Q. Do you know Raymond Wright, the defendant, here?

A. Yes, I do.

Q. Do you know Vernestine Wright, the other defendant?

A. Yes, I do.

Q. When did you first meet Raymond Wright?

A. Oh, shortly after I came to Fairbanks. [4]

Q. How did you happen to meet him?

A. Oh, first time I had ever seen him was in Seattle.

Q. Oh, I see.

A. Last year.

Q. Last year?

A. Uh-huh.

Q. Did you see him while you were working at the Triple X Cafe?

A. Yes, I did.

Q. Why did you leave the Triple X Cafe?

A. Well, the lady that I was working for, she left town.

Q. Who was that?

A. Eleanor Jones.

Q. Was she the one you were working for?

A. Yes, she was.

Q. Did the Triple X close up or something?

A. No. She just left town. She was having some kind of trouble with her partner.

Q. Who was her partner?

A. Eva Kelly.

Q. And did you say whether or not you saw Ray-

(Testimony of Vanada Donaby.)

mond Wright during the time that you were working at the Triple X?      A. Yes, I did.

Q. Where did you move to—did you work after you left the Triple X Cafe? [5]

A. Yes, I did.

Q. Where was this work?

A. Club 69.

Q. Who owns that?

A. Raymond Wright and Vernestine Wright.

Q. How—

Mr. Benton: I object to that and I want the answer stricken, your Honor. There has been no foundation laid as to who owns that and it's strictly a conclusion on the part of the witness. Unless there is a foundation laid as to who owns that property, then the answer should be stricken.

The Court: All right, objection sustained.

Q. (By Mr. Hepp): Who is living at the Club 69—who was living at the Club 69 when you went out there, Vanada?

A. Raymond Wright and Vernestine Wright.

Q. Did either of them ever make any statement to you as to who owned the Club 69?

A. No. I don't remember that.

Q. Did you ever see anybody else out there that had any control of the premises other than Mr. Wright and Vernestine Wright?

A. No, I didn't.

Q. How is it—under what circumstances Vanada did you go out to the Club 69? [6]

A. Raymond Wright taking me out there.

(Testimony of Vanada Donaby.)

Q. Had he talked to you concerning your going out there?      A. Yes, he has.

Q. What did he say in that regard?

A. Well, he got me a room and he paid my room rent and he had also given me money to go to the doctors because I had been sick and I didn't have no money.

Q. Did he offer you a place to stay, Vanada?

A. Yes, he did.

Q. About what time was that? What day was that? What time of the year was that, Vanada?

A. I don't remember the exact date but it was around the first or middle of April.

Q. Is that of this year?      A. Yes.

Q. What did you do when you first went out to the Club 69?

A. Well, the first few nights that I was out there, I didn't do much of anything.

Q. What occurred then?      A. Then?

Q. After the first few nights?

A. Oh, well, I entertained men.

Q. How is it that you happened to entertain men?      A. That was what I was told to do.

Q. Who told you to do that? [7]

A. Raymond Wright.

Q. What did he say in that regard?

A. Ask for money.

Q. Pardon?      A. Ask for money.

Q. You mean you were to—he asked you for money or you had to ask somebody else for money?

A. I was to ask men for money.

(Testimony of Vanada Donaby.)

Q. Why would you need money?

A. Beg pardon?

Q. Why did you need money?

A. Because I didn't have any.

Q. Did Mr. Wright ever ask you for money?

A. Certainly.

Q. What did he say in regard to that, the money and you entertaining men?

A. Well, I had to turn tricks.

Q. Did he say why you had to turn tricks?

A. Yes, he did.

Q. What did he say in that respect?

A. Because he was spending his money. He had to get his money back.

Q. What do you mean by "turning tricks," Vanada?      A. Oh, entertaining men.

Q. Where would you entertain the men? [8]

A. In the private room.

Q. Was there any charge made for that entertainment?      A. Yes, there was.

Q. How much was charged?

A. Whatever you could get.

Q. What did that usually average?

A. Well, when I first went out there, it was nothing under twenty dollars and later on it became ten and not anything under ten dollars. You get whatever you could.

Q. What did you do with the money?

A. I checked it into Vernestine.

Q. Did you know how to be a prostitute when you went out there, Vanada?

(Testimony of Vanada Donaby.)

A. No, I never had been a prostitute before.

Q. Did anyone on the premises instruct you as to how to be a prostitute?      A. Yes.

Q. Who?      A. Vernestine.

Q. And you say you gave the money to Vernestine?      A. Yes.

Q. Were you allowed to keep any of it yourself?

A. No.

Q. You say—did you say that—what did you say in regards to whether you had any money yourself during this same general [9] time? Did you say whether you had any money yourself?

A. When I went out there?

Q. Yes.      A. No, I didn't.

Q. You didn't say or you didn't have any money? Which?

A. No, I didn't have any money.

Q. I see. Did you have any friends in the Territory when you came up here?

A. Eleanor Jones.

Q. You say she was the one that left the Triple X, is that right?      A. Uh-huh, that's right.

Q. When she left, did you have any friends?

A. No, I didn't.

Q. You had no money?      A. No.

Q. Vanada, why did you go out to the Club 69?

A. Because Raymond Wright asked me to go out there. He kept me out there. He said he was going to give me a job.

Q. Did he say what that job was going to be?

A. No, he didn't.

(Testimony of Vanada Donaby.)

Q. Did you know at the time that you were going out there to be a prostitute?

A. No, I didn't.

Q. Did you like your work as a prostitute? [10]

A. No, I didn't.

Q. How long did you live out there?

A. Until the last of July.

Q. Until the last of July? Did you ever complain to anyone about your having to be there?

A. Yes, I did.

Q. Did you ever ask either of the defendants whether you could leave?

A. I never asked Vernestine.

Q. Did you ask Raymond? A. Yes, I did.

Q. What did he say? A. He said, "No."

Q. Did he say why?

A. He said I just wasn't going.

Q. Did you ever complain to anyone else as to your being there?

A. Yes, to various people.

Q. Were any of them law officers?

A. No, no law officers.

Q. Did you ever complain to the law?

A. No, I didn't.

Q. Why? Was there any particular reason?

A. Well, I didn't want to cause any trouble is the first reason and too, I was afraid. [11]

Q. What were you afraid of?

A. Well, because he said he bossed the town, he had everybody paid off.



(Testimony of Vanada Donaby.)

Q. Did Mrs. Wright ever say anything to you regarding that? A. Regarding what?

Q. Your leaving there? A. No, she didn't.

Q. She never mentioned that to anyone?

A. No, she didn't.

Q. At the time you were living out at the Club 69, how many other people were living there?

A. Three others.

Q. What were their names?

A. Vernestine's cousin and Nathaniel Wood and Willa May, and myself.

Q. Willa May what?

A. Walters I guess or Walkers or something.

Q. Did you ever ask anybody to help you get away from there? A. Yes, I did.

Q. Who did you ask?

A. Bill Jones and Nathaniel Wood.

Q. Had you ever—before that, had you ever asked anybody to—about your going away?

A. No. I had talked to different girls that was working out there. [12]

Q. Did you get any satisfaction from those conversations? A. No, I didn't.

Q. Was there any particular reason for that?

A. Why no satisfaction?

Q. Yeah.

A. Well, I imagine they were afraid too.

Q. Do you know any colored people who are in town who are not afraid of Mr. Wright?

Mr. Hurley: We object—(Interrupted).

Mr. Benton: I object to that, your Honor. That's

(Testimony of Vanada Donaby.)

strictly a conclusion.

The Court: Objection sustained.

Q. (By Mr. Hepp): Have you ever been arrested Vanada? A. No—(Interrupted).

Mr. Hurley: We object to that—I withdraw that.

Witness (Continuing): I haven't.

Mr. Hurley: What was the answer?

(The last answer was read by the reporter.)

Q. (By Mr. Hepp): Are you married, Vanada?

A. No, I'm not.

Q. I believe previously you mentioned something about Mr. Wright asking you to come out to the Club 69. Do you recall [13] what he said about that when he first talked to you concerning it?

A. No, I don't.

Q. You recall any of his statements at any time or the substance of his statements concerning you going out to the Club 69? A. No, I don't.

Q. But you state that you had—you didn't know that you were going to be a prostitute when you went there? A. No, I didn't.

Q. While you were out there, did you want to leave, Vanada? A. Yes, I did.

Q. How soon after you got out there did you want to get away?

A. Shortly after I was out there.

Q. About how long?

A. Oh, I would say about 3 or 4 weeks.

Q. And you state that you never been a prostitute before, is that right? A. No, I haven't.



(Testimony of Vanada Donaby.)

Q. Did all this occur around the middle of April, did I hear you say?

A. Yes, when I first went out there.

Q. Could it have been the 14th day of April?

A. I don't know. It could have. I don't know. I don't [14] remember the date.

Mr. Hepp: You may question the witness.

Cross-Examination

By Mr. Benton:

Q. Did you state that you were unmarried?

A. Yes, I did.

Mr. Benton (To Clerk): I would like to have this marked for defendants' identification.

Clerk of Court: This page or—— (Interrupted.)

Mr. Benton: Just the page. If necessary, you can mark the whole works later.

Clerk of Court: Defendants' identification "A."

(The first page of a hotel register for the Clark Rooms was introduced by defendants for identification and marked Defendants' identification "A.")

Q. (By Mr. Benton): I hand you this book and ask you to look at the next to the last name on this page and ask you if you have ever seen that before? Take a look at it. A. Yes, I did.

Q. Is that in your handwriting?

A. Yes, it is.

Q. Will you please read it to the Court?

Mr. Hepp: Just a minute. I object to [15] that

(Testimony of Vanada Donaby.)

your Honor. I don't know that it is admissible at all and I don't believe it should be read until I've had an opportunity to look at it.

The Court: Show it to counsel.

Mr. Benton: You want to look at it? (Handing book to Mr. Hepp.) You have any objections?

Mr. Hepp: No, I haven' any objections.

Q. (By Mr. Benton): Were you married at the time you signed that?

A. No, I wasn't. That was the way—— (Interrupted.)

Q. Wait a minute. Just answer my question.

A. No—that's my name.

Mr. Benton: I offer this as defendant's exhibit—— (Interrupted.)

Mr. Hepp: Just a minute. I would like to question—I don't believe that counsel gave her an opportunity to explain her answer.

The Court: You are correct.

Witness: That was the way that Raymond Wright instructed me to sign the register when he got me the room at the hotel.

Mr. Benton: I object to that, your Honor. There is no foundation laid for that. She has admitted she signed this.

The Court: Objection overruled. [16]

Q. (By Mr. Benton): But you did sign this, is that right?

A. Yes. I signed it. I was instructed to sign it that way.

(Testimony of Vanada Donaby.)

Q. Well, you stated that you were not married at the time.

A. That's my name, Donaby, and I was instructed to sign it that way, Mr. and Mrs. Donaby.

Q. You remember the date?

A. No, I don't remember the date.

Q. Now, at what time did you come to the Territory of Alaska?

A. Oh, it must have been around about February third, first of February.

Q. Now, isn't it a fact that you testified a while ago that it was the first or the middle of April?

A. That's when I went out to the Wright's the first of April.

Q. What were you doing on the 6th day of March, 1950?      A. I don't remember.

Q. Were you working?

A. I don't remember.

Q. How long were you in the Territory before you went to work?

A. Before I went to work out to the Wright's or the Triple X? Which one do you mean?

Q. How long had you worked before you went to work out at [17] the Wrights?

A. I started sometime in February at the Triple X. I don't remember the date.

Q. You started in at the Triple X in February?

A. That's right.

Q. How long did you work there?

A. Until I went out there.

Q. Until you went out where?

(Testimony of Vanada Donaby.)

A. Out to the Wright's.

Q. And what time did you go out there?

A. I worked at the Triple X until—I don't remember the date, but it was sometime in March. I don't know.

Q. Do you remember the date in March that you went to the Triple X?

A. That I stopped working at the Triple X? No, I don't know.

Q. Now, where were you born, Vanada?

A. Murphysborough, Illinois.

Q. Do you remember the date?

A. Of course!

Q. You remember that of your own knowledge?

Mr. Hepp: Now, I object to that, your Honor. I don't know how anybody else would remember something. That's an impossible question.

Mr. Benton: If your Honor please, I am [18] asking the witness a question.

Mr. Hepp: And I am objecting to it.

The Court: Objection overruled.

Q. (By Mr. Benton): You just stated that you remembered the date? You remember the date of your birth, is that right? A. Yes, I did.

Q. And do you remember when you came to Seattle; if you did come to Seattle?

A. I don't remember the date, no.

Q. Well, were you ever in Seattle?

A. Yes, I live in Seattle.

Q. And are you married?

A. No, I am not married.

(Testimony of Vanada Donaby.)

Q. Well, did you work in Seattle?

A. Yes, I did.

Q. And where did you work?

A. My last job, on the job that I work on now is the Sea Gull Tavern.

Q. Did you ever work any place else in Seattle?

A. Yes, I did.

Q. Where else?

Mr. Hepp: I object to further questions unless they can show the relevancy here. They can go on and on in this former history. [19]

Mr. Benton: I will make an offer of proof, your Honor.

The Court: Very well.

(The following proceedings were had out of the hearing of the jury.)

Mr. Benton: If your Honor please, I am going to introduce this, the affidavit that was filed in the abatement case and I am testing her credibility.

The Court: Whose affidavit?

Mr. Benton: Vanada Donaby, by Vanada Donaby and this is an official copy and it is signed right there. I want to test her credibility.

Mr. Hepp: I have no objection. She said the same thing she said in here. I don't see that this instrument—she said she was born in Illinois. She said she came to Seattle before about 1944 and she didn't remember the date. There is nothing contradictory so far as I can see and I don't see that this has anything—— (Interrupted.)

(Testimony of Vanada Donaby.)

Mr. Benton: I want to introduce this—— (Interrupted.)

The Court: Well—— (Interrupted.)

Mr. Hepp: I object to the introduction of that, your Honor.

The Court: Yes. This is not admissible but you can ask the questions if she did work at this place and [20] if she did these other things and if she disputes it, then it might be admissible.

Mr. Benton: That's the offer of proof I am making right now.

(The following proceedings continued in the presence and hearing of the jury.)

Q. (By Mr. Benton): You have stated that you are not married? A. Yes, I did.

Q. Have you ever been married?

A. Yes, I have.

Q. When were you married? A. In '44.

Q. You were married in 1944? A. Yes.

Q. And to whom were you married?

A. Welton Spencer Wiry.

Q. And can you tell me where you lived after you were married?

A. Oh, I lived at various places in Seattle.

Q. Is there any certain place that you lived?

A. 1909 East Spruce.

Q. Now, are you still married to this man?

A. No, I'm not.

Q. Have you ever been—are you divorced from him? [21] A. Yes.

Q. And will you tell me when you were divorced?



(Testimony of Vanada Donaby.)

A. '47.

Q. Can you tell me the month?

A. No, I don't remember the month.

Q. Now then, why did you come to the Territory of Alaska?

A. Because I had a job.

Q. You had a job before you came to the Territory of Alaska?

A. Yes, I did.

Q. Do you mind telling me how you obtained that job?

A. Because I wrote to Eleanor Jones and asked her for it.

Q. And what kind of a job did you ask for?

A. Waitress job.

Q. And what kind of work did you do?

A. Waitress.

Q. Can you tell me the periods when you started on that job and when you finished that job?

A. I don't remember.

Q. You can't remember when you worked for Eleanor Jones?

A. I don't remember the dates.

Q. Do you have any idea at what time you worked for Eleanor Jones?

A. Well, first of—or the middle of February until sometime in March.

Q. What time in March did you work for [22] her?

A. I don't remember the dates.

Q. Now, after you came to Alaska and after you started to work for Eleanor Jones, what did you do then?

A. Waitress.

Q. For whom?

A. Eleanor Jones.

(Testimony of Vanada Donaby.)

Q. Do you know the defendants here?

A. Yes, I do.

Q. Can you tell me when you met them?

A. I don't remember the date.

Q. Well, you have no idea when you met the defendants?

Mr. Hepp: I object to that, your Honor. I don't think that's a fair re-statement. She merely says she doesn't remember the date. That doesn't mean——  
(Interrupted.)

The Court: Objection sustained.

Q. (By Mr. Benton): Did you have any money when you came to the Territory of Alaska?

A. Yes, I had some.

Q. How much money did you have when you arrived in Alaska?

A. I don't remember the exact amount.

Q. Well, approximately how much?

A. I don't remember the exact amount.

Q. Do you remember how much you had when you left Seattle?

A. I don't remember the exact date— [23] amount.

Q. Do you have any idea how much you had before you bought your ticket in Seattle?

A. I don't remember.

Q. Do you remember how you came up, by boat, plane or over the highway?

A. I came by plane.

Q. Do you know how much a ticket costs?

A. Yes, I do.



(Testimony of Vanada Donaby.)

Q. Do you know how much money you had left after you bought your ticket?

A. No, I don't remember how much.

Q. By what airline did you come to the Territory? A. Oh—— (Interrupted.)

Q. Do you remember the airline upon which you travelled? A. No, I don't.

Q. Do you remember the price of your ticket?

A. Oh, I don't remember that.

Q. Did you pay for it? A. Yes, I did.

Q. Do you have a receipt?

A. No, I don't have the receipt with me. I don't even know where it is.

Q. Now, after you went to work for Eleanor Jones, did you work for nothing or were you paid money? A. I was paid.

Q. And by whom were you paid? [24]

A. Eleanor Jones.

Q. And what was your salary?

A. Well, she wasn't paying me a salary. She was just paying something because I didn't have to pay no room and board. I was living with her.

Q. Well, can you give me an idea of about how much you earned while you were working for Eleanor Jones?

A. Well, business was slow and she was a friend of mine. I didn't have to pay no room and board, so, just whatever she could afford to give me, I accepted that.

Q. Can you give me an idea how long you worked for her?

(Testimony of Vanada Donaby.)

A. From some part of February until March.

Q. Well, would you say from the middle of February to the middle of March?

A. I don't remember the dates.

Q. Would you say for two months?

A. I don't remember the dates.

Q. Would you state the amount that you made in any one week?

A. Well, she wasn't paying me no salary.

Q. In other words, you were working for your room and board, is that right?

A. No. She was giving me money but it wasn't a salary because business was slow and she couldn't afford it.

Q. She couldn't afford to pay you a salary? [25]

A. Yeah.

Q. And then—but she did pay you something?

A. Yes.

Q. Did you work—will you describe to the Court the building in which you worked?

A. Oh, it is just like any cafe would be I suppose, barbecue place.

Q. Is that the only building upon those premises? Is that the only building upon the premises?

A. No, it isn't.

Q. Did you work in over one building?

A. I worked in the cafe.

Q. And you never worked in any other building?

A. No, I haven't.

Q. Now, how many other buildings were there on those premises?

(Testimony of Vanada Donaby.)

A. Well, there's lot of buildings around. I don't know how much was her's.

Q. Did she ever take you into any of the other buildings?      A. Yes, she did.

Q. Would you state how many other buildings she took you into?

A. She never took me but into one.

Q. Will you describe that building?

A. Oh, it was a cabin in the back. [26]

Q. Will you describe the furnishings of that cabin in the back?

A. There was no furniture in it.

Q. You mean it was a vacant building?

A. No. I mean there wasn't nothing in it to describe.

Q. Was there a—was there a stove in it?

A. Yes, there was an oil stove.

Q. And was there a chair in it?

A. Yes, I think so. I don't know. I know there was a stove in it because it was cold.

Q. Was there a bed in it?

A. Yes, I think so. There was.

Q. Would you tell me the size of the bed?

Mr. Hepp: Your Honor, I am going to object to further questioning here—— (Interrupted.)

Mr. Benton: If your Honor please, I will make an offer of proof on that.

The Court: Come forward and make it.

(The following proceedings were had out of the presence and hearing of the jury:)

(Testimony of Vanada Donaby.)

Mr. Benton: Now, if your Honor please, the size of the building, the size of the bed, the dimensions, all add up the truth of this witness. It also adds up that in certain kinds of places they don't have full size beds. I want to find out about [27] that.

Mr. Hepp: I don't see the association of that to this—— (Interrupted.)

Mr. Benton: I do. I am going to show before this trial is over that the woman is a prostitute. I have a right to bring up everything that I can to prove that.

Mr. Hepp: I believe then, your Honor, I am going to insist that he make her his witness. I don't think that this is proper cross-examination. I don't believe that it is by any stretch of the imagination connected with the matters before this court and it has gone to the point where it can no longer be an impeachment or an attempt to impeachment.

Mr. Benton: Your Honor, I am not—— (Interrupted.)

The Court: Have you got an affidavit where she shows those things?

Mr. Benton: I have an affidavit where she sets out where she worked and how much money she had and I am trying to show where she got that money and I am trying to find out whether she got—— (Interrupted.)

The Court: Well, this is cross-examination. You can ask her if she didn't make this statement and show it to her.

(Testimony of Vanada Donaby.)

Mr. Benton: I can also show the bias of the witness. I am not trying to impeach the witness. I am [28] trying to show her bias.

Mr. Hepp: There is nothing in here about a building.

The Court: I have heard your offer. Now ask her a question and I will rule on it.

(The following proceedings continued in the presence and hearing of the jury:)

Q. (By Mr. Benton): Now, you have stated, isn't it true, that you weren't being paid wages when you worked for Eleanor Jones?

Mr. Hepp: I object to that, your Honor. She didn't state that at all. She said no certain sum; that she was getting money for working there and that's not the testimony at all.

Mr. Benton: She said she wasn't paid wages.

The Court: Well—— (Interrupted.)

Mr. Hepp: Your Honor remembers what she said concerning that.

Mr. Benton: Let's read the record.

The Court: I will sustain the objection.

Mr. Benton: Exception.

Q. (By Mr. Benton): Did anything happen to interrupt your employment at the Triple X while you worked for Eleanor Jones? [29]

A. I don't understand. Would you repeat it?

Q. Did anything happen to interrupt your employment while you were working for Eleanor Jones at the Triple X?

(Testimony of Vanada Donaby.)

Mr. Hepp: I object to that to, your Honor, unless he states what kind of interruption he is talking about. She could say—it might develop that she was sick for five minutes and left her duty and that actually is an interruption and if he is trying—  
(Interrupted.)

The Court: I think you should be more specific. I will sustain the objection.

Mr. Benton: All right!

Q. (By Mr. Benton): Was Eleanor Jones put in jail while you were working for her?

A. Yes, she was.

Q. Did she have any money when she was put in jail?

A. Oh, she had some I guess and I loaned her some.

Q. Did she have enough money?

A. I don't know that. She got out.

Q. Did you loan her money?

Mr. Hepp: I object to the tone that counsel is using to this witness. I think he can slack off and ask a question in a proper manner.

The Court: Yes, objection sustained. [30]

Q. (By Mr. Benton): Did you loan Eleanor Jones any money? A. Yes, I did.

Q. Can you state the amount?

A. Well, it was 150 or either 160, something like that. It was one hundred and something.

Q. Can you tell the court and jury where you got that money? A. Working.

Q. At what were you working?



(Testimony of Vanada Donaby.)

A. Working at the Triple X and I had some money when I came.

Q. Now can you state how much money you had when you came?

A. Well, I don't know how much money I had when I came and I also received money from home.

Q. Now, when you say you received money from home, will you explain that? Was that from——  
(Interrupted.) A. From Seattle.

Q. Well now, was that from a man, from a woman?

Mr. Hepp: I object to any further question where this money came from or anything unless it can be shown to have a relation to this trial. Counsel is merely on a long fishing expedition to possibly tie this witness up. Why we will be here until next month.

The Court: Overruled. Answer the [31] question.

Q. (By Mr. Benton): Can you state from whom you received the money?

A. Certainly.

Q. Will you state the party's name, please?

A. Evelyn Howell.

Q. And can you state the occupation of this party?

Mr. Hepp: Now, I object to that, your Honor. I don't see that that has any relation to this trial, the occupation of somebody who sends her some money.

The Court: Objection sustained.

(Testimony of Vanada Donaby.)

Mr. Benton: Exception.

Mr. Hepp: That's not necessary under the new rules, Mr. Benton.

Mr. Benton: I want it in the record, Mr. Hepp.

Q. (By Mr. Benton): How long have you known this lady from Seattle who sent you the money?

A. We have been friends for three or four years.

Q. Well, did you ever work together?

A. Yes, we did.

Q. Did you ever play together?

A. Ever do what?

Q. Play together?

A. We used to go bowling together if that's what you mean. [32]

Q. Well now, will you tell me at what you worked together?

A. Bar maid, Sea Gull Tavern.

Q. And for whom did you work in the Sea Gull Tavern? A. Alvin Louis.

Q. Can you state the owner of the Sea Gull Tavern?

Mr. Hepp: I object to that. I don't think that that's got any basis to the relation of this trial.

The Court: I think that is going beyond the realm—— (Interrupted.)

Mr. Benton: I will make an offer of proof, your Honor.

(The following proceedings were had out of the presence and hearing of the jury:)



(Testimony of Vanada Donaby.)

Mr. Benton: Your Honor, I know who owns the Sea Gull Tavern.

Mr. Hepp: That's not in evidence, your Honor, and—— (Interrupted.)

Mr. Benton: It will come into evidence and I want to show that the party that owns the Sea Gull Tavern is a husband of Eleanor Jones and this woman was sent up here as a prostitute. That is what I am intending to prove.

Mr. Hepp: Your Honor, he is not proving it by this witness by the questions he is asking.

Mr. Benton: She denied everything I [33] asked—— (Interrupted.)

Mr. Hepp: I object to him trying to establish a new and different proposition with someone else's witness. If he wants to introduce this phase in this fashion, why, I think he should—— (Interrupted.)

Mr. Benton: I think it is proper cross-examination.

The Court: Does she state any such thing as that in this affidavit?

Mr. Benton: No. I am using this affidavit as a——partly a guide for my questioning but it is proper cross-examination because she has claimed and she has set forth in this affidavit that she has never worked as a prostitute, that she is a very nice girl and so forth like that. I want to use the same affidavit to prove that she is absolutely false in her statements.

Mr. Hepp: Your Honor, he is going right on down the line and I will ask your Honor to read

(Testimony of Vanada Donaby.)

this affidavit if you need to be convinced if she corresponds with this affidavit.

Mr. Benton: She lied that she was married and—— (Interrupted.)

The Court: You want to put that—you will have that marked for identification if you are going to use it? [34]

Mr. Benton: A while ago, you told me that I could not use it, but I could not—— (Interrupted.)

The Court: I didn't say that. I said that—— (Interrupted.)

Mr. Benton: But I want to cross-examine her on the basis of this.

The Court: Well—I can't rule on things like that. You ask a question and I will make a ruling.

Mr. Benton: All right. Your Honor, how about a ten minute recess?

The Court: Go on until four.

(The following proceedings continued on in the presence and hearing of the jury:)

Q. (By Mr. Benton): Now, when you came to Alaska to work for Eleanor Jones, did you know what kind of business Eleanor Jones was in?

A. She had wrote and said so.

Q. Do you know Eleanor Jones' husband?

A. Yes, I do.

Q. And where did you know him?

Mr. Hepp: I object to that, your Honor. This is getting way beyond the issues of this case here and goes into a matter that so far there is no rela-

(Testimony of Vanada Donaby.)

tion shown. I object to the question for that reason, irrelevant—— (Interrupted.) [35]

The Court: Objection sustained.

Q. (By Mr. Benton): You stated that you went out to work at the Club 69, is that right?

A. Yes.

Q. And did you stay out there?

A. Would you mind repeating the question please?

Q. Did you stay at the Club 69 from the time you started to work there? A. No, I didn't.

Q. Will you state where you lived?

A. At the Clark Rooms.

Q. I didn't get that answer.

A. At the Clark Rooms.

Q. The Clark Rooms?

A. I guess that's the name. I don't know.

Q. You are not sure?

A. No, I am not sure but it is down here on Fourth.

Q. Well, did you live anyplace else on Fourth?

A. When I first came, I lived with Eleanor Jones.

Q. And where did she live? A. 650 4th.

Q. Can you tell me when you went to live with Eleanor Jones?

A. When I first came to Alaska, I came to Alaska to live [36] with her.

Q. And how long did you live with her?

A. I don't remember. Until when I went to the Clark Rooms. I don't remember the date.

(Testimony of Vanada Donaby.)

Q. Can you state what Eleanor Jones did when you lived with her on Fourth Avenue?

Mr. Hepp: Your Honor, I object to that as purely repetitious. Counsel has asked this before and this witness has stated that she ran the Triple X Barbecue or owned it or something.

The Court: Objection overruled.

Q. (By Mr. Benton): Can you state anything that you saw going on in Eleanor Jones' house on Fourth Avenue while you lived there?

Mr. Hepp: I object to that, saw anything going on. There's millions of things everyday. She could go on for hours.

The Court: Objection sustained. This is cross-examination.

Q. (By Mr. Benton): What was the business of Eleanor Jones?

A. Triple X Barbecue.

Q. No, I mean on Fourth Avenue?

Mr. Hepp: I object to that. There's no evidence showing that she had any business on Fourth [37] Avenue. Counsel is trying to bring this in as a red herring.

The Court: Objection sustained.

Mr. Benton: Your Honor, that wasn't a red herring. I'll ask one more question.

Q. (By Mr. Benton): Do you know, or isn't it a fact, that Eleanor Jones was running a bawdy house on Fourth Avenue when you lived there with her?

A. No, she wasn't. If she did, I don't know.

(Testimony of Vanada Donaby.)

Q. Now, we come back to the prior question. Just what was she doing there?

A. That's where she lived.

Q. Will you describe the premises?

Mr. Hepp: I object to that, your Honor unless he can show what bearing that has on this case. We are way off of the issues here and he is just trying to lead us further astray, your Honor, and I think in the interest of expediency alone he should limit these questions.

Mr. Benton: I will make another offer of proof, your Honor.

The Court. I will overrule the objection.

Mr. Benton: Mr. Reporter, will you read that question over please?

(The reporter read the question as follows:

“Q. Will you describe the premises?”) [38]

Witness: Beg pardon?

Q. (By Mr. Benton): Describe the premises—  
(Interrupted).

A. It was a house.

Q. Well, state what was within that house, how many rooms and how it was furnished?

A. There was a kitchen and a bedroom and a frontroom, just like any other house would have furniture in it; stove, cook stove, icebox, bed, couch, chairs.

Q. How much—could you state what was in the icebox, the frigidaire at any definite time?

Mr. Hepp: Your Honor, I object to that. He

(Testimony of Vanada Donaby.)

hasn't even stated the time that he wants her to say. I think he should——(Interrupted.)

Mr. Benton: At any time that she was there.

Mr. Hepp: Your Honor, I think——

(Interrupted.)

The Court: Objection sustained.

Q. (By Mr. Benton): Alright now. Will you tell the court and the jury and the District Attorney and counsel in which direction did the living room face?

A. I am not good on directions. I don't know.

Q. Well now, can you state in which direction the kitchen [39] faced or in which direction it was?

A. The house is sitting right on Fourth and if you walk in, you walk into the kitchen and the bedroom and then the living room and the direction I don't know.

Q. Did you ever walk out of the living room away from Fourth Avenue?

A. Did I ever walk out of the living room away from Fourth? Would you ask that question again? I don't understand you.

Q. You have stated that when you walk into the house you walk from Fourth Avenue into the kitchen, is that right? A. Yes.

Q. Well now, in the event that you walk out of the living room, into where do you walk?

Mr. Hepp: I am going to object to this unless counsel can show what bearing it has on this case, your Honor.



(Testimony of Vanada Donaby.)

Mr. Benton: I want to know where she gets when she walks out of that room.

Mr. Hepp: Until he shows the relation to the issues before this court, I object to it. It is irrelevant.

Q. (By Mr. Benton): Does the living room——  
(Interrupted.)

Mr. Hepp: Just a minute. [40]

Q. (By Mr. Benton) (Continuing): Does the living room face on the alley or upon Fourth Avenue?

A. When you walk out of the living room, you walk into the alley.

Q. That's what I wanted to know. Are you acquainted with the—with Fourth Avenue?

A. No, I'm not.

Q. How long did you live with Eleanor Jones?

A. From the time that I first came to Fairbanks until sometime in March or something. I don't remember the date.

Q. And you lived with her from the time that you came to Fairbanks until you went out as you have stated before to the Club 69——(Interrupted.)

A. Until I got the room at the Clark Rooms.

Q. Until you got a room at the Clark Rooms. Alright now, how long a time was that?

A. I don't remember the date.

Q. But you did live with Eleanor Jones on Fourth Avenue during that period of time, is that right?

A. During what period of time?

(Testimony of Vanada Donaby.)

Q. From the time you came to Fairbanks until the time you moved to the Clark Rooms?

A. Yes.

Q. Have you any idea of the length of time? [41]

A. I don't remember the date.

Q. Well, did you live there a week?

A. You have the register there when I got the room at the Clark Rooms. You should know.

Q. How long did you live on Fourth Avenue in Fairbanks, Alaska?

Mr. Hepp: I object to the implications of that statement, your Honor.

Mr. Benton: Your Honor, I don't know of any implications.

Mr. Hepp: He has asked her five times that very same question and each time he is trying to rephrase it and introduce prejudicial matters.

Mr. Benton: I never got an answer to the length of time.

The Court: I think that has been answered enough. I will sustain the objection.

Q. (By Mr. Benton): Can you tell me at what time you left the Clark Rooms?

A. I don't remember.

Q. I mean the day of the month, the month and the day and the year?

A. I don't remember the date.

Q. Just where did you go when you left the Clark Rooms? A. Club 69. [42]

Q. And do you have any idea of the approximate date? A. I don't remember.



(Testimony of Vanada Donaby.)

Q. You can't remember at all when you left the Clark Rooms, is that right?

A. I don't remember the exact date, no.

Mr. Benton: If your Honor please, I would like a ten minute recess.

The Court: We will recess until quarter past four.

Clerk of the Court: Court is recessed until quarter past four.

(At this time, the trial of this cause was recessed for ten minutes.)

The Court: Call the roll of the jury.

Clerk of the Court: They are all present, your Honor.

The Court: Counsel ready to proceed with this trial?

Mr. Hepp: Ready, your Honor.

Cross-Examination

(Continued)

By Mr. Benton:

Q. Mrs. Donaby—— (Interrupted.)

A. Miss.

Q. I beg you pardon. When you worked for Eleanor Jones, isn't it a fact that you knew that she was operating a house [43] of prostitution?

Mr. Hepp: I object to that, your Honor. There is no evidence here that Eleanor Jones was operating a house of prostitution and the inferences here are completely misleading.

The Court: Objection sustained.

(Testimony of Vanada Donaby.)

Q. (By Mr. Benton): Did you know what business Eleanor Jones was in when she told you to come up here and work for her?

A. She hired me as a waitress. She told me to come up as a waitress in the Triple X.

Q. And all you did when you came up here was to work as a waitress, is that right?

A. That's right.

Mr. Benton: That's all.

Mr. Hepp: This ended rather abruptly, your Honor. May I have just a minute. Oh, I have no further questions at this time, your Honor.

The Court: That's all then.

(Vanada Donaby left the witness stand.)

The Court: Call your next witness.

Mr. Hepp: I already summoned them your Honor. They are getting them. [44]

### WILLIAM JONES

called as a witness in behalf of the government,  
being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Hepp:

Q. Would you state your name please?

A. William Jones.

Q. Would you speak a little slower so that people can catch every word. What is your name again please?

A. William Jones.

Q. How old are you, Mr. Jones?

A. 39 years old.

(Testimony of William Jones.)

Q. Where do you live?

A. In Los Angeles, California.

Q. Have you ever lived in Fairbanks?

A. Yes, sir.

Q. During what period of time did you live in Fairbanks?

A. From the 30th of May until around about the 5th of August.

Q. Where did you live?

A. 801 21st street.

Q. That is the only residence that you had here in Fairbanks, is it?

A. Yes, sir.

Q. Did you know the defendant, Raymond Wright? [45]

A. I did.

Q. Did you know the other defendant, Vernestine Wright?

A. I did.

Q. Under what circumstances did you come to know them, Mr. Jones?

A. Through a friend of Mr. Wright's.

Q. You mean you were introduced through a friend of Mr. Wright's?

A. That's right.

Q. Did you ever enter into any business or other relations with Mr. Wright?

A. Only plumbing business.

Q. When did this occur, Mr. Jones?

A. Oh, in June. I did a job on his new home, two story house and then after that I did another job for him on his Club 69.

Q. Do you know a person named Vanada Donaby?

A. I do.

Q. Where did you meet her?

(Testimony of William Jones.)

A. At Mr. Wright's Club 69.

Q. Was that during the period that you worked out there?

A. That was during the period—the time I was doing the plumbing for Mr. Wright.

Q. How long did that job take?

A. On that job in particular, I worked there about a week [46] in my spare time because I was working out to Wein's Air Force—Air Base. In the daytime I would go there and in the evenings and work sometimes 12 to 1 o'clock, 2 o'clock in the morning and on Saturdays and Sundays I worked there.

Q. Are you married, Mr. Jones?

A. I am.

Q. Family? A. Three children.

Q. Did you ever see Vanada Donaby out at the Club 69? A. I have.

Q. Do you know what she was doing there?

A. Yes, sir.

Q. What was she doing?

A. Working as a prostitute.

Mr. Benton: Your Honor, I object to that. I want the foundation laid for that statement.

The Court: Alright, lay the foundation.

Mr. Benton: And I move that the answer be stricken.

The Court: The answer may be stricken.

Witness: During the time—may I speak?

Q. (By Mr. Hepp): Well, does it relate to the question that is before you? [47]

(Testimony of William Jones.)

A. Yes, sir.

Mr. Benton: If your Honor please, he will answer directly to a question.

The Court: Ask him a question.

Q. (By Mr. Hepp): How often did you see Vanada Donaby out at the Club 69?

A. I saw her every time I was there working.

Q. Was that—over what period of time during the day?

A. During any time I was working out there, I seen her.

Q. How many hours a day did you spend out there?

A. As I mentioned before, I was working at Wein Airfeld there and I mostly seen her there in the evenings. Well, several days I wasn't working and I worked out there on the job and I knew then that she was a prostitute from the way that—  
(Interrupted.)

Mr. Benton: Just a minute now. How do you know she was a prostitute— (Interrupted.)

Mr. Hepp: Just a minute.

Mr. Benton: We are moving to strike the answer. I object to that your Honor. That is a conclusion unless there is a foundation laid.

The Court: Just which part do you want me to strike?

Mr. Benton: I move to strike the answer that he says that he knew that she was a prostitute. [48]

The Court: Alright, that may be stricken.

Q. (By Mr. Hepp): Did you have occasion

(Testimony of William Jones.)

while you were out at the Club 69 to observe any of the activity of Vanada Donaby?

A. Yes, sir.

Q. What did you see her do?

A. Well, I have seen her from washing dishes or on down to drying, from cooking to having sexual intercourse with soldiers; men of all sorts, whoever come there and wanted to go to bed with her for that purpose, and not only that, she was also——  
(Interrupted.)

Mr. Benton: If your Honor please, I think it requires another question.

Mr. Hepp: Your Honor, I asked him what he had seen her do and he is testifying in answer to that.

The Court: Objection overruled.

Q. (By Mr. Hepp): Go ahead and finish, Mr. Jones.

A. She was also told to make advances toward me when Mr. Wright paid me the \$500 for doing the first job.

Mr. Benton: I object to that, your Honor unless the man was in the hearing of the defendant. Now, I want to know who told her and where and when. That's strictly hearsay, your Honor.

Witness: I am only speaking of the [49] advances she made toward me.

Mr. Benton: I move that the answer that he made be stricken that amounts to when somebody told him that he was supposed to make advances to somebody else.

Mr. Hepp: Your Honor, counsel is confused. He



(Testimony of William Jones.)

wasn't told to make any advances, I don't think.

Mr. Benton: Your Honor, counsel is not confused. Counsel heard the witness, I think properly, when he said that he was told—— (Interrupted.)

The Court: Now then, what is your motion?

Mr. Benton: My motion is to strike the part of his answer where he said that he was told to make advances toward a certain party.

The Court: That he, the witness?

Mr. Benton: That's right, yes.

Witness: You got me wrong.

Mr. Benton: The lady was supposed to make advances toward him.

The Court: That is a different thing.

Mr. Benton: Well, it could happen both ways.

The Court: That part may be stricken unless he heard the—one of the defendants tell her to. Then it would be admissible. [50]

Q. (By Mr. Hepp): Did—Mr. Jones, did you ever hear either of the defendants make any remarks at that time? Just yes or no.

A. Make what sort of remarks?

Q. Oh, well, concerning advances to you?

A. No.

Q. Were any advances made upon you by Van-  
ada Donaby?

A. Yes, sir. (Pause) May I go on?

Q. Did you ever hear Mr. or Mrs. Wright, that is, Raymond Wright or Vernestine Wright ever make any statement concerning Vanada's presence out there at the Club?

(Testimony of William Jones.)

A. Well, I have been stopped so much every time I go to talk, I don't know if I should talk or not.

Q. Did you ever—that is alright. You just answer the question. You have been stopped before, don't worry about that. Did you ever hear—would you read that question back, Mr. Reporter?

(The last question was read by the reporter as follows: "Q. Did you ever hear Mr. or Mrs. Wright, that is, Raymond Wright or Verne-stine Wright ever make any statement concerning Vanada's presence out there at the Club?")

Witness (Pause): Yes, I have.

Q. (By Mr. Hepp): What statements—when were the statements made, do [51] you know?

A. From the time I was working there. To say what date, I couldn't say.

Q. Do you recall who was present at the time?

A. Yes, sir.

Q. Who was present at the time—at any time?

A. Raymond and—I mean, Mr. Wright and Mrs. Wright, and Willa May and Opal and Vanada.

Q. What did you hear said?

A. It comes back to the same story again. If I—— (Interrupted.)

Q. Go ahead and just say what you heard said, Mr. Jones. I mean, don't be afraid of these objection. You go ahead and state what you heard.

Mr. Benton: If your Honor please, I object to counsel's remarks. I don't mind him answering a



(Testimony of William Jones.)

question but I am not trying to put any more pressure on him than counsel is using.

The Court: Objection overruled.

Q. (By Mr. Hepp): Go ahead and answer the question, Mr. Jones.

A. Well, I have heard Mr. Wright mention about the girls; and all that, their welfare; and how they were there and weren't going to leave and his different moods and the treatment of these 2 different girls. I have seen things happen there—— (Interrupted.) [52]

Mr. Hurley: We object to that, about the girls—— (Interrupted.)

The Court: Just a minute.

Mr. Hurley (Continuing): Doesn't have anything to do with this case.

The Court: Mr. Hurley, you will examine this witness, will you? You are going to examine him? As you know, our rules require only one attorney to make the questions to cross-examination and I was just asking whether or not you were the one who was going to do it.

Mr. Hurley: Yes, I will examine him.

The Court: Very well, then. All objections will have to come from you.

Mr. Hurley: Alright, your Honor.

The Court: Proceed.

Q. (By Mr. Hepp): Would you answer the question? A. Pardon?

Q. Would you go on stating what you are stating?

(Testimony of William Jones.)

Mr. Hurley: He started talking about some other girls and I objected to that because I don't see where it has anything to do with this case.

Witness: I was asked—— (Interrupted.)

The Court: Objection sustained. [53]

Q. (By Mr. Hepp): Did you ever see any incident occur between Mr. Wright and Vanada Donaby?

Mr. Hurley: We object to that; incompetent, irrelevant, immaterial. I don't know what kind of incident he is talking about.

The Court: Objection overruled.

Q. (By Mr. Hepp): Answer the question.

A. Only the transaction of money. That is the only thing I ever seen go between Mr. Wright and Vanada.

Q. What did you see in that regard?

Mr. Hurley: We object to that as incompetent, irrelevant and immaterial.

The Court: Objection overruled.

Q. (By Mr. Hepp): Go ahead and answer the question.

A. Well, I have seen men come in there and talk to her and have a drink or so with her and then start into a room. She walked out, hand the money to Mr. Wright, said "Deposit it in the cash register" and I have seen other girls do likewise.

Mr. Hurley: We move that that be stricken out, your Honor; has nothing to do with the case. This is a very free and willing witness it seems like.

The Court: Alright. [54]

(Testimony of William Jones.)

Q. (By Mr. Hepp): Did you ever see—just yes or no—did you ever see anything out at the Cotton Club that was any indication as to whether or not Vanada Donaby was free to leave at her own will?

A. Yes.

Mr. Hurley: Just a minute. We object to that as calling for a conclusion of the witness.

The Court: Objection overruled.

Mr. Hurley: He has a right to say what he saw but he don't have the right to testify to conclusions.

Mr. Hepp: I believe the court has ruled on it.

Mr. Hurley: I want to get my objection in.

The Court: Objection overruled.

Q. (By Mr. Hepp): Would you state—— (Interrupted.)

A. Will you repeat that one more time?

Q. Did you ever see any incident that indicated to you one way or the other whether or not Vanada Donaby was free to leave the Cotton Club?

A. Yes, sir, I did.

Q. What did you see in that regard?

A. From the way she was always watched, her and this other [55] young lady, they were never permitted to go nowhere by themselves.

Mr. Hurley: We move that the answer be stricken out, mere conclusion, no foundation laid and this other lady that he is talking about don't have anything to do with this case; just expressing an opinion.

Mr. Hepp: Your Honor, there have been lots of

(Testimony of William Jones.)

ladies introduced in this that have nothing to do with the—— (Interrupted.)

The Court: I think that is a conclusion Mr. Hepp. Objection sustained. No facts to base it on.

Q. (By Mr. Hepp): Mr. Jones, did you ever see Mr. Wright lay a hand on Vanada Donaby while you were out at the Cotton Club?

A. No, sir; I did not.

Q. State if you know whether Vanada Donaby left the Cotton Club?

Mr. Hurley: We object to that as immaterial.

The Court: Objection overruled.

Witness: State if I know if she—— (Interrupted.)

Q. (By Mr. Hepp): If she left the Cotton Club. A. We are speaking of the Club 69.

Q. Well, Club 69. [56]

A. State if I know if she ever left it?

Q. Whether she left the Cotton Club or not.

A. Well, the only time she left there, she either left with Raymond or Vern or with another man that would take them where they wanted to go or with Vernestine's cousin. Once she came to town with me as a favor. I was coming up here to buy some plumbing parts and they found out I was coming to town, so they let her come along with me. I stopped at this drug store right on the corner here and let her out and I went around the block and went to Weber & Bell's and picked up my parts and she walked down the street and met me. I had taken her back out to the Club 69.

(Testimony of William Jones.)

Q. Well, to your knowledge, did she ever leave again the Cotton Club, leave the Cotton Club?

A. The only time I know of her to leave after that is the time I picked her up when I was taking her back to the States.

Q. Why did you do that, Mr. Jones?

Mr. Hurley: We object to that as incompetent, irrelevant, immaterial.

Witness: I—— (Interrupted.)

Mr. Hurley: Just a minute.

The Court: Objection sustained.

Mr. Hurley: I don't know what his reasons were for taking her out that has anything to do with the case. [57]

Mr. Hepp: Your Honor, I am going to object to Mr. Hurley. He keeps talking long after the court has ruled on the proposition. I don't think that is proper conduct for counsel.

Mr. Hurley: I think I have a right to make my objection heard.

The Court: We will pass that up.

Q. (By Mr. Hepp): Did you know Vanada Donaby before you came to Alaska, Mr. Jones?

A. No, sir; I did not.

Q. You just met her up here?

A. I just met her up here while working there—— (Interrupted.)

Mr. Hurley: Now, we object to that your Honor, voluntary statements after the witness has answered the question.

The Court: Yes, that's sufficient.



(Testimony of William Jones.)

Q. (By Mr. Hepp): How long did you say you worked for Mr. Wright all told, Mr. Jones?

A. Oh, worked for him several weeks.

Q. Would you hold the microphone so that—  
(Interrupted.)

A. I worked for him several weeks during the two jobs I did for him.

Q. Did you know Mr. Wright before you came to the Territory, [58] Mr. Jones?

A. No, sir; I did not know him but I have heard a lot about him.

Q. All good?

Mr. Hurley: We object to that.

Witness: I never heard a good thing about him.

Mr. Hurley: Just a minute, just a minute. I think the District Attorney ought to be conscious a little bit of—asking for hearsay testimony. He knows he is not entitled to ask questions like that. He, at least, knows that much.

The Court: You are making an objection?

Mr. Hurley: Yes, I objected to it.

The Court: I will sustain it.

Mr. Hepp: You may question the witness.

#### Cross-Examination

By Mr. Hurley:

Q. Did Mr. Wright pay you for the work that you did for him?

A. He did on one job and he didn't pay me quite all on the other.

Q. He had you arrested too, didn't he?

(Testimony of William Jones.)

A. He did, oh, yes. [59]

Q. What for?

A. Because I had taken that girl out of town.

At least I started to take her back to the States.

Q. Is that what he charged you with?

A. He charged me with—— (Interrupted.)

Q. Stealing? A. Grand larceny.

Q. Yes, stealing money out there, wasn't it?

A. Well, that's his charge.

Q. Yes. So, he didn't have you arrested for something else. He had you arrested for stealing, isn't that right?

A. Oh, no. That's what—— (Interrupted.)

Q. I say—— (Interrupted.)

A. (Continuing): ——he had me arrested——

(Interrupted.)

Q. The charge against you was stealing, wasn't it?

A. He had me arrested to bring me back here to get Vanada.

Q. I say he charged you with stealing?

A. Oh, yes, he did. I said that before.

Q. Where did you take her?

A. Where did I take her?

Q. Yes.

A. I took her in my trailer down along the river here on 2nd Street and I tried to get her to come up here and see the District Attorney before I attempted to take her to the [60] States but she feared Mr. Wright and therefore I stayed there.



(Testimony of William Jones.)

I stayed there from that Saturday morning until Sunday night about ten o'clock and she, during that time, she just cried.

Q. Just a minute. What happened on this charge that was brought against you for stealing?

A. Oh, I come back here and stayed in jail about five or six days and I obtained a lawyer and I got out.

Q. Was the case ever tried?

Mr. Hepp: I object to that, your Honor, unless it is shown it has a relation to this case, your Honor.

Mr. Hurley: It shows his feeling in the matter, your Honor.

The Court: Overruled.

Q. (By Mr. Hurley): Was the case ever tried?

A. Well, it was brought up before the court here and the contractor I worked for, he had a time book to prove that I was working out there when—— (Interrupted.)

Q. I am not asking what he proved. Was the case ever tried?

A. Well, it wasn't tried here in court but it was before the Grand Jury.

Q. That is what I asked you. It never was tried, is that right? [61]

A. It was brought before the Grand Jury.

Q. The Grand Jury? A. Yes, sir.

Q. When? A. Last week.

Q. Were you bound over to the Grand Jury?

A. I guess so.

(Testimony of William Jones.)

Q. You had a hearing before the Commissioner, did you?      A. Yes, sir.

Q. And you were bound over to the Grand Jury?

A. Yes, sir; I guess so because they brought it before this, what do you call this, this petit grand jury.

Q. And you don't know whether the evidence was presented before the Grand Jury or not?

Mr. Hepp: I object to that, your Honor, unless there is a foundation to show how anyone would know what evidence was brought before the Grand Jury.

Q. (By Mr. Hurley): Did you appear before the Grand Jury?

Mr. Hepp: I object to that until he states what case he is talking about.

Mr. Hurley: Well, I have been talking about the case—— (Interrupted.)

Mr. Hepp: You identify your case then.

Mr. Hurley (Continuing): ——when he was [62] arrested for stealing and he didn't know—was he bound over on another one?

Q. (By Mr. Hurley): Did you testify as a witness in that case before the Grand Jury?

Mr. Hepp: I object to that unless counsel labels his case. There have been lots of cases before the Grand Jury.

Mr. Hurley: I mean the case against him is all.

The Court: You answer that if you can.

The Witness: No, I didn't testify.

(Testimony of William Jones.)

Q. (By Mr. Hurley): You didn't?

A. No, in the Grand Jury.

Q. I see. All—did you testify before the Commissioner?

A. I guess it was the Commissioner.

Q. I say, did you testify before the Commissioner?

A. I don't know if it was the Commissioner or who it was. I testified before someone at the other court.

Q. At the preliminary hearing? That was at the preliminary hearing that you had on this larceny charge, wasn't it?

A. I guess it was.

Q. Was Mr. Wright present there?

A. No, he wasn't. [63]

Q. Do you know whether he was called before the Grand Jury or not?

A. Do I know was he called before the Grand Jury?

Q. Yeah, do you know?

A. I don't know.

Q. How much money were you accused of stealing?

A. He claimed that he had a safe stolen with \$800 in it.

Q. He claimed that you got away with \$800?

A. That's what he says.

Q. And was anybody else charged at the same time?

A. Oh, Mr. Wood, the other man that was going back to the States with Vanada and I.

(Testimony of William Jones.)

Q. The three of you?

A. Oh, yes. The girl wasn't charged, just Mr. Wood and I.

Q. Just the two of you?           A. Yes, sir.

Q. I see. Did you ever see this—what's her name—this Donaby woman have intercourse with any man out there?           A. Did I ever see her?

Q. Did you ever see—— (Interrupted.)

A. I seen her go in the room.

Q. Just answer the question?           A. Yes.

Q. You have? You stood and watched them?

A. No, I didn't stand and watch them, but I seen—— (Interrupted.) [64]

Q. How did you see them?

A. I seen them go in the room.

Q. You saw them go in the room together?

A. Naturally. They wouldn't go in there to look at pictures or something.

Q. How do you know? Did you ever go in a room with a woman—— (Interrupted.)

A. How did I know—— (Interrupted.)

Q. (Continuing): ——to look at pictures?

A. I seen her come back out and hand out \$20 either to Vern or Mr. Wright. That's how I know.

Mr. Hurley: That's all.

### Redirect Examination

By Mr. Hepp:

Q. Did you steal \$800 or any other amount?

Mr. Hurley: We object to that, if the Court please.

(Testimony of William Jones.)

Witness: No, sir.

Mr. Hurley: I move that the answer be stricken out.

The Court: Motion denied.

Q. (By Mr. Hepp): Do you know—did your Honor admit that question and answer? [65]

The Court: I let it stand, yes.

Q. (By Mr. Hepp): Tell me, Mr. Jones, do you know why—do you know how it came that you were bound over to the Grand Jury?

A. Do I know why?

Q. Do you know how that came about?

A. Well, as a rule it is regular court procedure on anyone that would commit a crime.

Q. Did you discuss this matter with your lawyer?

A. Yes, sir; I did and he had me to understand different things about it and advised me what to do.

Q. Did you do what he advised you to do?

A. Yes, sir.

Q. Was Vanada Donaby arrested when you were arrested?

A. She wasn't arrested. She just volunteered to come back with us and the Marshal also said, I think, it is best that you would go back with them. After she showed her—may I go on?

Q. Concerning your arrest, yes.

A. Well, I don't know if—just what to do. When the Marshal stopped us down at the Canadian border there, he drove up behind us in an Alaskan Highway Patrol car and called my name.

(Testimony of William Jones.)

He said, "Jones," and I said, "Yes, sir." When I turned around to him, he says, "Consider yourself under arrest. Where is Wood?" I said, "He is in the trailer getting his social security card for identification." I said, "Under [66] arrest? For what?" He says, "For grand larceny." I says, "What do you mean?"—— (Interrupted.)

Mr. Hurley: I object—just a minute. I object to all this conversation.

The Court: Sustain the objection.

Mr. Hepp: Your Honor, I believe I have a right to go into something that counsel raised.

The Court: This is too far afield.

Mr. Hepp: Too far afield?

Q. (By Mr. Hepp): You didn't take the \$800?

A. Pardon?

Mr. Hurley: I object to that. He has already testified that he didn't.

The Court: I didn't hear the—what is your—that question?

Mr. Hurley: He wanted to know if he got away with the eight hundred.

Mr. Hepp: I think that is paraphrased, your Honor.

Witness: No—— (Interrupted.)

The Court: Just a minute.

Witness: Pardon me?

The Court: Never mind. [67]

Q. (By Mr. Hepp): Were you indicted for that crime, Mr. Jones?



(Testimony of William Jones.)

A. Can we talk on that \$800 subject one more time?

Q. I don't think it is relevant at all.

A. I hate to sit up here and be looked at as a fool when I didn't take no \$800.

Mr. Hurley: I object, if the Court please.

Witness: Had I taken the \$800—— (Interrupted.)

Mr. Hurley: I object, if the Court please.

Witness (Continuing): ——when the Marshal searched my trousers and everything in my—— (Interrupted.)

Mr. Hurley: I object as not responsive to the question. I move that the answer be stricken out.

The Court: May be stricken.

Q. (By Mr. Hepp): Were you indicted, Mr. Jones?

A. No, sir; I wasn't indicted.

Mr. Hepp: I have no further question. I have one other question to ask, your Honor. May I ask it?

The Court: Very well.

Q. (By Mr. Hepp): Mr. Jones, have you ever been convicted of a crime?

A. No, sir; I haven't. [68]

The Court: Anything further with this witness?

Mr. Hepp: I just asked a question, Mr. Hurley.

Mr. Hurley: No, nothing further, your Honor.

The Court: That's all, Mr. Jones.

(Mr. William Jones stepped off the witness stand.)



Mr. Hepp: Your Honor, I don't believe there is enough time left today to get started on another witness and there is an argument coming on at five o'clock.

The Court: Yes, very well. We will continue the case until ten o'clock tomorrow morning upon adjournment.

Mr. Hurley: Tomorrow morning, your Honor?

The Court: No, that's right. That will be Monday. Monday at ten upon adjournment.

(At this time, the court duly admonished the jury and the trial of this cause was adjourned until 10 o'clock a.m., Monday, November 6, 1950.)

Be It Remembered, that upon the 6th day of November, 1950, at 10 o'clock a.m., came the [69] respective counsels as heretofore; came the defendants in person and the trial jurors in this cause; the Honorable Harry E. Pratt, District Judge, presiding.

Clerk of the Court: Court is now in session.

The Court: Any ex parte matters? Call the roll of the jury.

(The trial jurors in this cause all answered to his or her name.)

Clerk of the Court: They're all present, your Honor.

The Court: Counsel ready to proceed with the trial of 1507 criminal?

Mr. Hepp: Ready.

Mr. Hurley: Ready, your Honor.

The Court: Very well, call your witness.

Mr. Hepp: Will you call Nathaniel Wood, please?

Mr. Hurley: What is the name?

Mr. Hepp: Nathaniel Wood.

NATHANIEL WOOD,

called as a witness in behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination [70]

By Mr. Hepp:

Q. Would you state your name to the jury, please? A. Nathaniel Wood.

Q. Where do you live, Mr. Wood?

A. L. A.

Mr. Hurley: What was that?

Witness: In Los Angeles.

Q. (By Mr. Hepp): How old are you, Mr. Wood? A. Thirty.

Q. What is the nature of the work you do for a living, Mr. Wood? A. Mechanic, right now.

Q. Have you ever lived in Fairbanks?

A. Yes, sir.

Q. During what period of time did you live in Fairbanks?

A. In June. I come in on Memorial Day.

Q. On Memorial Day? A. That's right.

Q. Is that of this year? A. This year.

Q. How long did you stay in Fairbanks?

(Testimony of Nathaniel Wood.)

A. I stayed in Fairbanks until we left in July—in July.

Q. Where did you live while you were in Fairbanks?

A. Well, at the Wright's place. That is the last place I [71] lived, right—— (Interrupted)

Q. Which Wright?

A. Raymond Wright.

Q. Is that the defendant here?

A. That's right.

Q. Where was this place?

A. Out on Cushman; on Cushman at the 69 Club.

Q. How long did you live out there, Mr. Wood?

A. Over three weeks and a half.

Q. Do you know a person named Vanada Donaby?

A. I know a girl like that, sure.

Q. Did you see her out there while you were living out there, Mr. Wood?

A. I seen her out there while I was out there.

Q. What was she doing there?

A. Well, she was supposed to be a prostitute out there.

Q. Did you ever hear either Raymond—do you know Vernestine Wright?

A. I know her.

Q. Where does she live?

A. She lives out there.

Q. Out at this Club 69?

A. Club 69.

Q. Did you ever hear either Raymond Wright or Vernestine Wright ever say anything to Vanada or to you concerning [72] Vanada's presence out there at the Cotton Club—I mean Club 69?

(Testimony of Nathaniel Wood.)

A. Sure, I have heard him say things. "Whore, get up there and make me some money."

Q. Ever hear anything else?

A. Sure, I've heard him. I saw him drag her out of bed by her feet, over her face.

Q. Would you repeat your statement that we didn't quite catch, something about dragging somebody?

A. Drag her by her foot and dragged her out of bed on her face and say, "Get up——" (Interrupted)

Q. Who was dragged out of bed?

A. Raymond Wright dragged her out of the bed on her face.

Q. Dragged who out?

A. Vanada Donaby.

Q. Vanada Donaby?            A. That's right.

Q. Did you ever hear anything else?

A. He said she would never leave there.

Q. Who said that?            A. Ray Wright.

Q. He said that she would—— (Interrupted)

A. She would never leave there.

Q. And he was talking to who then?

A. Vanada Donaby. [73]

Q. What were you doing while you were out at the Club?

A. I was working around the club and around the new place he was building around the Cotton Club.

Q. What was the nature of your work that you were doing, Mr. Wood?

(Testimony of Nathaniel Wood.)

A. Helping the carpenter around.

Q. Did you know Raymond Wright before you came to Alaska?

A. Yeah. I know him before I came to Alaska.

Q. Did you ever hear either Raymond Wright or Vernestine Wright make any threatening remarks to Vanada?

A. I heard Raymond Wright make threatening remarks to her.

Q. What did you hear him say?

A. He told her that he would kill her and nobody would know if she tried to leave there.

Q. If she tried to leave there?

A. If she tried to leave there.

Q. Did you ever hear anything else?

A. I heard lots of things. I told him I wouldn't treat a dog like that, like he treated the girls.

Q. What did he say to that. Just raise your voice now and what was your last answer, about after you told him that you wouldn't treat a dog like he treated the girls?

A. He said he cared more for his dog than he did for the girls.

Q. He cared more for his dog than he did for the girls? While you were out at the Club 69, how many girls were there, [74] Mr. Wood?

A. Living there was two; living there.

Q. Were there any others that came there regularly? A. That's right; two more.

(Testimony of Nathaniel Wood.)

Q. Two more? Did the other two work out there in any capacity?

A. Sure, they worked out there.

Q. What were they doing?

Mr. Hurley: We object to that unless he knows and he is qualified—incompetent, irrelevant and immaterial—calling for a conclusion.

Mr. Hepp: I will rephrase the question.

Q. (By Mr. Hepp): Do you know what they were doing out there?

A. Sure, I know what they was doing out there. I saw them with my own eyes what they were doing.

Q. What were they doing?

A. They was prostitutes out there.

Q. Prostitutes?

A. Yes. They was out there in the room. I saw them with my own eyes in the room with soldiers.

Q. Did you see money exchanged?

A. Money exchanged.

Q. To whom—who would get the money?

A. Vernestine Wright, Ray Wright's wife, would get the [75] money, receive the money.

Q. Do you know of your own knowledge whether Vanada ever moved away from the Club 69?

A. Repeat that again?

Q. Do you know of your own knowledge whether Vanada ever moved away from the Club 69?

A. No, I don't. I don't know that.

Q. Is she still there?

A. She went away because I had taken her away. At least, I helped to take her away.



(Testimony of Nathaniel Wood.)

Q. Under what circumstances was that?

Mr. Hurley: We object to that, incompetent, irrelevant and material, calling for a conclusion.

Mr. Hepp: Well, I don't think that under what circumstances calls for any conclusions, your Honor. He can state facts as he knows them.

The Court: Objection overruled.

Q. (By Mr. Hepp): Would you answer the question, please?

A. I had taken her away. I left on a Friday and she—I had left on a Friday and she left on a Saturday.

Q. Under what circumstances did you leave?

A. Well, the action I seen him make there, I know it was time to try to get away. She cried the whole time I was there to get away from there. That is when I got away from [76] there.

Q. And that is when you got away or got her away? A. I got away from there.

Q. And did you—— (Interrupted)

A. She left on a Saturday.

Q. Did you know Vanada before you came to Fairbanks?

A. No, I didn't. I didn't know her.

Q. Are you married, Mr. Wood?

A. Is I married?

Q. Yes? A. Sure.

Q. Family?

A. Family. My daughter is 17 years old. She is married.

(Testimony of Nathaniel Wood.)

Q. I didn't quite understand you. How old was your daughter?      A. Seventeen?

Q. And how old are you, Mr. Wood?

A. Thirty. Her next birthday she will be 17.

Q. Her next birthday she will be 17? Are you employed now, Mr. Wood?      A. Yes, sir.

Q. Where are you employed?

A. In Los Angeles—17th Street and Olive.

Q. Were you subpoenaed to come back here?

A. Yes, sir; I was. [77]

Mr. Hepp: You may question the witness.

#### Cross-Examination

By Mr. Hurley:

Q. Mr. Wood, you say you left out there on Friday, the 6th, is that right?

A. I couldn't recall the date, the time. I left on a Friday.

Q. On a Friday? And you say Vanada—Vanada Donaby left on a Saturday?

A. On a Saturday.

Q. On a Saturday? How did you take her away Saturday when you left on Friday.

A. I didn't leave town. I left out to his house—his club.

Q. Then she left herself?

A. Fellow that worked out there brought her to town.

Q. What?

A. A fellow that worked out there for him brought her to town.

(Testimony of Nathaniel Wood.)

Q. So, you didn't have anything to do with taking her away from there?

A. No, not there.

Q. And then where did you go with her—when did you leave town? [78]

A. Sunday.

Q. Sunday? And how did you leave?

A. Left in a truck and trailer.

Q. What? A. Truck and trailer.

Q. And you left in the truck and trailer?

A. All three of us.

Q. Who?

A. Bill Jones and myself and Vanada.

Q. I see. And where did you go when you left town on Sunday? Where did you go?

A. Oh, we left town.

Q. I say, where did you go when—on Sunday when you left town?

A. Gone back to the States.

Q. What?

A. We was going back to the States.

Q. And how far did you get?

A. To the border.

Q. And what happened?

A. The Marshal picked us up; stopped us and brought us back.

Q. What for? A. Say, "Grand larceny."

Q. And did you find out what you were accused of? [79]

A. Sure I found out what I was accused of.

Q. What were you accused of?

A. Accused of taking his money.

(Testimony of Nathaniel Wood.)

Q. What money?

A. Ray Wright's money.

Q. How much?

A. I don't know what it was. Two thousand dollars, I heard. The cop told me two thousand dollars. That's all I know about it.

Q. And you were brought back then to Fairbanks?      A. Brought back in to Fairbanks.

Q. Were you brought into court?

A. Brought into court, sure.

Q. And when you finally left here, how did you leave?

A. The Highway Patrol taking us back to our trailer.

Q. What?

A. Highway Patrol taking us back to our trailer.

Q. And did this Miss Donaby—was she brought back too?      A. Sure, she come back.

Q. Did you know a girl by the name of Willa May Walters?      A. Willa May Walker?

Q. Walters?

A. I know Willa May but her last name, I don't know. All I know is Willa May. [80]

Q. Was she supposed to leave with you too?

A. Yes, she was supposed to leave too.

Q. And then you said I think there was two other girls out there. Who were they?

A. Opal. One was Opal.

Q. Opal what?

A. I don't recall her last name.

Q. And who was the other one?

(Testimony of Nathaniel Wood.)

A. We called her Shorty. She was a little, low girl.

Q. What? A. Shorty.

Q. Don't you know what her name was?

A. No, I don't.

Q. Did you tell the officers about these girls—two girls being out there?

A. Sure I told them.

Q. What? A. Sure I told them.

Q. Do you know what this money was supposed to be in?

A. I don't know what it was supposed to be in at all.

Q. Did you see the little safe out there that weighed about forty pounds that they had kept money in?

A. I never saw his safe. I never went around his money.

Q. Never saw it? A. Never saw it. [81]

Q. Never saw where they put money?

A. Never saw.

Q. No? Do you know whether Jones saw the—saw it or not? A. I—— (Interrupted)

Mr. Hepp: I object to that, your Honor, unless there is a showing that this witness knows what Jones did—— (Interrupted.)

Mr. Hurley: I asked him whether Jones saw it or not.

Mr. Hepp: I object to the question unless there is a foundation laid.

(Testimony of Nathaniel Wood.)

Mr. Hurley: He can answer the question yes or no.

Mr. Hepp: Just let the court rule on the objection, Mr. Hurley.

The Court: Objection sustained.

Q. (By Mr. Hurley): Do you know whether Vanada Donaby saw it or not?

Mr. Hepp: I object to that, your Honor, unless there is a foundation showing that this person knows what Vanada Donaby saw. He is calling for just a mere conclusion.

The Court: Objection sustained.

Mr. Hurley: That's all.

Mr. Hepp: Just one moment. [82]

### Redirect Examination

By Mr. Hepp:

Q. I think, Mr. Woods, that you answered something in answer—in response to counsel's question about Vanada Donaby being brought back from the border. Under what circumstances did she come back from down on the border?

A. She come back to let them know that we didn't take her away.

Mr. Hurley: Now, just a minute—— (Interrupted)

Q. (By Mr. Hepp): Was she arrested?

A. No, she wasn't.

Mr. Hurley: I move that that answer be stricken as not responsive, incompetent, irrelevant and immaterial; no proper foundation laid for it.



(Testimony of Nathaniel Wood.)

The Court: Motion denied.

Q. (By Mr. Hepp): Was she under arrest?

A. No, sir; she wasn't under arrest.

Q. I wasn't—I didn't quite understand your answer to a question as to the Highway Patrol. What did you say in response to counsel's question about the Highway Patrol taking you someplace?

A. The Highway Patrol escorted us back. [83]

Q. Excluded or escorted?

A. I mean, escorted us back.

Q. Escorted? Back where?

A. Back to our truck.

Q. Where was it?

A. Down at the border, Canadian border.

Q. Mr. Wood, were you indicted for the crime of grand larceny?

A. Sure. I was indicted and brought back.

Q. No. Were you indicted by the Grand Jury for the crime of grand larceny?

A. I don't think so. (Pause.) Sure, I was indicted.

Q. Do you know what an indictment is, Mr. Wood? A. No, I don't understand.

Q. Have you been placed under arrest in the last month, Mr. Wood? A. Sure.

Q. When were you placed under arrest?

A. They arrested me when they brought me back.

Q. In the last month, Mr. Wood, have you been placed under arrest?

A. I don't know whether I have or not.

Q. Has a Marshal ever placed you under arrest?

(Testimony of Nathaniel Wood.)

A. Sure, the Marshal placed me under arrest when they brought me back. [84]

Q. When was that?

A. Just from the border.

Q. From the border? A. Sure.

Q. Have you ever been under arrest since then?

Mr. Hurley: We object to that, if the Court please.

Mr. Hepp: Well, I think that I have a right——  
(interrupted)

Mr. Hurley: Incompetent, irrelevant and immaterial.

The Court: Objection overruled.

Q. (By Mr. Hepp): Have you been placed under arrest since that time, Mr. Wood?

A. No, I haven't.

Q. Has anybody ever informed you that a Grand Jury had indicted you?

Mr. Hurley: We object to that, if the Court please—— (interrupted)

Mr. Hepp: Well—— (interrupted)

Mr. Hurley (Continuing): ——incompetent, irrelevant and immaterial. He says he has never been indicted and—— (interrupted)

Mr. Hepp: He says he had been, your [85] Honor and I am not too sure that this witness knows the difference between an indictment and a complaint.

The Court: Objection overruled.

Q. (By Mr. Hepp): Would you answer the

(Testimony of Nathaniel Wood.)

question? Has anybody informed you that the Grand Jury indicted you?

A. No, they haven't. That I know.

Mr. Hepp: That's all.

Mr. Hurley: No further questions.

Mr. Hepp: I believe that's all then. Thank you very much.

(At this time, the witness, Mr. Nathaniel Wood, left the stand and the courtroom.)

Mr. Hepp: Your Honor, I would normally rest the Government's case at this time, but however, before I do so, I believe that—I believe that, your Honor, that the evidence here has not been sufficiently pertinent as pertaining to the one defendant, Vernestine Wright to show a prima facie case and it does not seem to tie her into this matter to the extent sufficient, I believe, under our rules. I will move the Court to dismiss this indictment as against Vernestine Wright for the reason that there has not been a prima facie case shown to link her with the charge.

The Court: Very well, motion granted. The action is dismissed as to Vernestine Wright and Mr. Clerk, [86] you will please strike out of the title of this case "and Vernestine Wright" and strike the "s" off of "defendants" down in the body of the indictment. Strike out the words "and Vernestine Wright."

Mr. Hepp: I will rest the government's case, your Honor.

The Court: Very well. (To Mr. Hurley.) Call your first witness.

Mr. Hurley: If the Court please, I would like to make a motion outside of the presence of the jury.

The Court: Very well. The jury will be excluded from the courtroom until called. Just remain in the hallway subject to call.

(At this time, the jury retired from the courtroom and the following proceedings were had outside of the presence of the jury.)

Mr. Hurley: If the Court please, at this time, on the—on behalf of the defendant, Raymond Wright, we wish to interpose a motion that the jury be instructed to return a verdict of not guilty and judgment of acquittal be entered. I make this motion—I haven't had time to go into the authorities as much as I should. I don't care to make an argument on the point, but I make it to protect the rights of the defendant.

Mr. Hepp: Your Honor, I don't know [87] how I can answer if there has been no argument. All I can say is that I oppose the motion.

The Court: All right, the motion is denied.

Mr. Hurley: Can we have about a fifteen minute recess or a ten minute recess?

The Court: Yes.

Mr. Hurley: The jury is already out.

The Court: We will take a ten minute recess.

(At this time, a ten minute recess was taken. Upon reconvening, the following proceedings were had.)

The Court: Call the roll of the jury.

(The Clerk of the Court called the roll of the jury, each juror answering to his or her name.)

Clerk of Court: They're all present, your Honor.

The Court: Counsel ready to proceed with the trial of this case?

Mr. Hepp: Ready, your Honor. At this moment, I would like to come forward and have a word with the court out of the hearing of the jury.

The Court: Very well.

(The following proceedings were had out of the presence and hearing of the jury.)

Mr. Hepp: Your Honor, at this time, I [88] would like to ask the court to allow me to reopen the government's case to ask this last witness the single question of what year he was born.

Mr. Hurley: I object to the reopening of the case. He has already testified to his age and I don't see—— (Interrupted.)

Mr. Hepp: Your Honor—— (Interrupted.)

Mr. Hurley: I don't see that asking the year he was born would be of any help and I don't think they have a right to reopen it. The man knows how old he is.

The Court: I will grant the motion, Mr. Hurley.

Mr. Hurley: Save an exception. Just a minute. Mr. Benton took the exhibit away with him. It was marked for identification—— (Interrupted.)

The Court: No, it wasn't.

Mr. Hurley: Yes. Dixie said it was marked as identification "A" and he forgot to bring it up and he sent for it and he said it will be here shortly. I don't know if he is trying to get somebody to get it. I hate to proceed without him but—I don't mind about this part of the case. I don't mind about the re-opening part of it but I would like to put that in first as proof. I think it will be here in time, but if it isn't, I would like to wait.

The Court: Well, bring it up when it [89] comes.

Mr. Hurley: Yes, I will.

(The following proceedings were had in the presence and hearing of the jury.)

Mr. Hepp: Call Nathaniel Wood, please.

The Court: Motion of the plaintiff's case permitted to be re-opened.

### NATHANIEL WOOD

called as a witness in behalf of the Plaintiff, having been previously sworn, resumed the witness stand and testified as follows:

### Redirect Examination

By Mr. Hepp:

Q. Mr. Wood, what year were you born in?

A. 1916. I made a mistake.

Q. You were born in 1916?                      A. 1916.

Mr. Hepp: That's all.



(Testimony of Nathaniel Wood.)

Recross-Examination

By Mr. Hurley:

Q. And why did you say you were 30 years old?

A. Well, I just got a little excited.

Q. A little excited? Forgot how old you were, is that right?

A. That's right. [90]

Mr. Hurley: That's all.

(The witness proceeded to leave the witness stand and was interrupted as follows:)

Q. (By Mr. Hurley): Oh, just one more question.

A. Pardon me?

Q. What day were you born on?

A. On the 3rd of October.

Mr. Hurley: That's all.

(Mr. Nathaniel Wood at this time left the witness stand and the courtroom.)

Mr. Hepp: I will rest the Government's case.

The Court: Very well.

Mr. Hurley: Now, if the Court please, there was a mistake made here yesterday. We introduced—that is, we had an exhibit marked and inadvertently it was taken away. It should have been left with the Clerk of the Court and we have sent for it. I would like to put that evidence on first. I think it will be here in just a few minutes. I would like to put that in first if I can and Mr. Benton is out trying to get it now and I hate to proceed without him being here.

The Court: Well, we will take a ten [91] minute recess. He will be here by that time, won't he, Mr. Hurley?

Mr. Hurley: I hope so, your Honor. He seemed to think he could get it in that length of time.

The Court: Very well.

Clerk of the Court: Court is recessed for ten minutes.

(At this time, a ten minute recess was taken.)

Clerk of the Court: Court is reconvened.

The Court: Call the roll of the jury.

(The Clerk of the Court called the roll of the jury, each juror answering to his or her name.)

Clerk of the Court: They are all present, your Honor.

The Court: Counsel ready to proceed?

Mr. Hurley: We are ready, your Honor.

Mr. Hepp: Ready, your Honor.

The Court: Very well.

Mr. Hurley: We will call Jack Glass.

### JACK GLASS

having been called as a witness in behalf of the defendant, being first duly sworn, testified as [92] follows:

#### Direct Examination

By Mr. Hurley:

Q. What is your name? A. Jack Glass.

Q. Where do you live, Mr. Glass?

A. 523-4th.

(Testimony of Jack Glass.)

Clerk of the Court: That's not loud enough.

Q. (By Mr. Hurley): You say where?

A. 523-4th.

Q. Here in Fairbanks? A. Yes, sir.

Q. How long have you lived there?

A. I have lived there about nine months.

Q. And what business are you engaged in?

A. Rooming house.

Q. What is the name of the rooming house that you operate, Mr. Glass?

A. The Clark Rooms.

Q. Were you operating the Clark Rooms in February of this year? A. Yes, sir.

Q. And are you still operating them?

A. I am. [93]

Q. Are you acquainted with a woman by the name of Donaby, Vanada Donaby?

A. She was a roomer at my house.

Q. I call your attention to defendant's identification "A" and ask you to look at it and state what it is if you know. What is this book?

A. This is our hotel register book.

Q. Your hotel register book? A. Yes, sir.

Q. I see. And did this Miss Donaby register there at your hotel?

A. This is the name she signed.

Q. Is that the register that she signed on when she went to stay here? A. That is the one.

Q. And point out where her name is?

A. Right here. (Pointing.)

(Testimony of Jack Glass.)

Q. That is the second name from the bottom on the first page, is it not?      A. That's right.

Mr. Hurley: We will offer this in evidence, your Honor.

Mr. Hepp: No objection.

The Court: May be admitted.

Clerk of the Court: Defendant's exhibit [94] number one.

(At this time, a hotel register book for the Clark Rooms, Fairbanks, Alaska, having been previously received and marked Defendant's Identification "A," was received in evidence and marked Defendant's Exhibit 1.)

# HOTEL REGISTER

93

The Proprietor is not responsible for the loss of MONEY, JEWELS, or other Valuables, unless deposited in the Safe provided for that purpose.

DATE *February 10 - 1950.* - *523-4H.*

NAME	RESIDENCE	Room	Time of Arrival	Time of Departure
Mr. & Mrs. Thomas	Richmond Calif.	I	2/17/50	
Mr. E. Johnson	Oxnard Calif.	6	2-28/50	
Mr. & Mrs. T. Wilson	Fribanks	2	2-20-50	
Alb. L. Rodine		6	2-28-50	
Sam. Little	<i>Ident. A</i>	3	3-4-50	
Bill. Johnson	<i>Exhibit I</i>	3	3-5-50	
	<i>Plaintiff</i>	3	3-5-50	
Mr. & Mrs. J. C. Wright	<i>Defendant</i>	6	3-8-50	
70 Little	No. 1507-U	3	3-8-50	
Mr. & Mrs. J. C. Wright		4	3/7/50	
Mr. & Mrs. J. C. Wright		3	3/8/50	
Mr. & Mrs. J. C. Wright		③	3/13/50	
James Session	Anchorage Alaska	3-2	3/13/50	
B. J. Seal	Seattle Wash.	I	3/13/50	
Mr. & Mrs. J. C. Wright	Copper Center	I	3/18/50	
Mr. & Mrs. J. C. Wright	Brown	I	3/19/50	
Leroy James		3	3/24/50	
Mr. & Mrs. J. C. Wright	Seattle Wash.		3/21/50	
Louis Shapiro	N. Y. C.		3/21/50	
Eugene L. May			3/24/50	
Mr. & Mrs. Donald	Seattle		3/6/50	
Mr. & Mrs. J. C. Wright				





(Testimony of Jack Glass.)

Q. (By Mr. Hurley): I notice it says "Mr. and Mrs. Donaby." Did she say anything about that when she registered?

Mr. Hepp: I object to this unless counsel can show what relation it has to this trial. I don't particularly care whether he goes in to this one way or the other, except it is time consuming and I think he should show its relation to this trial.

The Court: Was that shown to the witness when she was on the stand?

Mr. Hepp: Yes.

Mr. Hurley: She said she signed it.

The Court: All right, objection overruled.

Mr. Hurley: Just read that last question.

(The last question was read to the witness by the reporter as follows: "Q. I notice it says, 'Mr. and Mrs. Donaby.' Did she say anything about that when she registered?")

The Witness: No, she didn't. [95]

Q. (By Mr. Hurley): How long did she stay there? A. For a month, one month.

Q. Did you ever see a Mr. Donaby there at your rooming house, Mr. Glass?

A. No, not while she lived there.

Q. Do you know Mr. Donaby?

A. No, I don't.

Q. Did you ever ask her why she registered as Mr. and Mrs. Donaby?

Mr. Hepp: I object to that. This witness stated that she had not said anything concerning that.

The Court: Objection overruled.

(Testimony of Jack Glass.)

Q. (By Mr. Hurley): Did she ever ask you—  
did you ever ask her why she registered as Mr. and  
Mrs. Donaby?

A. No, I never asked her why.

Mr. Hurley: That's all.

Mr. Hepp: No questions.

(Mr. Jack Glass left the witness stand.)

Mr. Hurley: I call Dora Woods.

### DORA WOODS

called as a witness in behalf of the Defendant, being  
first duly sworn, testified as follows:

#### Direct Examination

By Mr. Hurley: [96]

Q. Speak up loud so we can all hear you. What  
is your name, please? A. Dora Woods.

Q. And where do you live?

A. I live at 26th and Mercer.

Q. Here in Fairbanks? A. Yes.

Q. How long have you lived here?

A. About six months.

Q. Are you acquainted with Vanada Donaby?

A. I am.

Q. And where did you first know her?

A. At Hanford, Washington, in 1945.

Q. What was she doing there at Hanford, Wash-  
ington, when you knew her?

A. Well, she was working as a bus girl in a  
restaurant there.

(Testimony of Dora Woods.)

Q. And what were you doing?

A. I was a bus girl in the restaurant too.

Q. Was she doing anything else there?

A. Yes, it was with me in the men's barracks.

Q. Yes, and what was she doing?

Mr. Hepp: I object to that unless the foundation is laid to show that this witness knows of her own knowledge what was done. [97]

Mr. Hurley: She says she was working with her in the men's barracks.

The Court: Is that what she said?

Mr. Hepp: I think the foundation should be laid as to what she saw or something like that.

The Court: Objection overruled.

Q. (By Mr. Hurley): What was she doing?

A. Well, she was making money off of those men the same as I was.

Q. How? A. Sleeping with them.

Q. Having sexual intercourse with them?

A. Yes.

Q. How long did that carry on there in Hanford?

A. Well, I stayed out there four months. I don't know when she terminated. I terminated in four months' time.

Q. You went with her, did you, at times to the barracks?

A. Yes, we would go down after we finished working at night.

Q. Would you and she both sleep with men there? A. Yes.

(Testimony of Dora Woods.)

Mr. Hurley: That's all, you may cross-examine.

Mr. Hepp: Just a minute, please. [98]

Cross-Examination

By Mr. Hepp:

Q. Have you worked for Cleo while you were in Fairbanks? A. No.

Q. You haven't? A. No.

Q. How long have you known Raymond Wright, the defendant?

A. I guess about eight or nine years.

Q. A long time? A. Yes.

Q. What year did you say this was supposed to have taken place? A. 1945.

Q. How old are you? A. Me? I am 39.

Q. Thirty-nine? A. Yes.

Q. Married? A. I have been married.

Q. Divorced?

A. No. My husband is deceased.

Q. When were you married?

A. When was I married? In 1940.

Q. Any children? A. No. [99]

Q. What was the name of this—that tavern you worked at? Did you say?

A. In a tavern? I never worked in no tavern. I worked in the mess hall, number one, personnel, Hanford, Washington, Olympia Commissary.

Q. Would you state that all over again so I can write it down please, slower?

A. Number One, personnel, which is the mess

(Testimony of Dora Woods.)

hall, for Olympia Commissary. They had charge of all the mess halls for DuPont.

Q. You were there four months, you say?

A. Yes.

Q. Make a lot of money there, did you?

A. I made my part.

Q. What kind of people did you entertain, white people or colored people?

A. All nationalities.

Q. Is that your present business?

A. No.

Q. What are you doing here?

A. Anything I can get, day's work, anything.

Q. By whom were you employed last?

A. I haven't had any work here, but I am a tax payer and I own property in Ketchikan, Alaska.

Q. And how long did you say you have been here? [100]      A. Six months.

Q. And you haven't worked for anybody?

A. No.

Q. Ever been convicted of a crime?

A. No, I haven't.

Mr. Hepp: That's all.

Mr. Hurley: That's all.

(Dora Woods left the witness stand.)

Mr. Hurley: Call Anzol Simon.

## ANZOL SIMON

called as a witness in behalf of the Defendant, having been first duly sworn, testified as follows:

## Direct Examination

By Mr. Hurley:

Q. Speak up loud. What is your name?

A. Anzol Simon.

Q. Where do you live?

A. 523-4th Avenue.

Q. Here in Fairbanks? A. Yes.

Q. How long have you lived here?

A. Oh, well, about 18 months.

Q. Who owns that house you live in?

A. Jack Glass. I mean he has it rented. [101]

Q. What?

A. I rent from Jack Glass. I don't know who owns it.

Q. Did you know a woman by the name of Eleanor Jones? A. Yes, I do.

Q. How long have you known her?

A. Since I came here, 18 months.

Q. And do you know what business she was engaged in here in Fairbanks? A. Yes.

Q. What?

A. She had the Triple X up here.

Q. What kind of a place was that?

A. It was a barbecue place.

Q. And she ran the place, did she?

A. Yes.

Q. Did you work there?



(Testimony of Anzol Simon.)

A. Yes, I worked as a cook.

Q. You worked for her as a cook?

A. Yes, sir.

Q. Was she doing anything else besides just running the place as an eating place, if you know?

Mr. Hepp: Just a minute. I am going to object to that unless there is a foundation laid that this witness here knows.

The Court: Objection sustained. [102]

Mr. Hurley: Well I asked him if he knows.

Q. (By Mr. Hurley): Do you know whether or not she was doing anything else there besides running this place as an eating place?

Mr. Hepp (to the witness): Just yes or no.

Witness: Yes.

Q. (By Mr. Hurley): What was she doing there besides running an eating place?

A. Well, she was a prostitute.

Q. Was she practicing it there?

A. Well, not exactly there, but at her home.

Q. And where was her home?

A. 650 4th Avenue.

Q. Now, did you know Vanada Donaby?

A. Yes, I did.

Q. Was she working out there for Eleanor Jones? A. Yes, she was.

Q. While you were there? A. Yes.

Q. What was she doing?

A. Well, she was—she worked as a waitress.

Mr. Hurley: That's all, you may cross-examine.

Mr. Hepp: Just a moment please. I have [103] a few questions.

(Testimony of Anzol Simon.)

Cross-Examination

By Mr. Hepp:

Q. How long did you say you had been here in Fairbanks, Mr. Simon?

A. About 18 months. (Pause.) To be correct, I came here——(Interrupted.)

Q. Pardon?

A. To be correct, I came here in June, 1949.

Q. Mr. Simon, have you ever been in a penitentiary? A. Oh, no.

Q. Have you ever been convicted of a penitentiary sentence, Mr. Simon? A. No.

Q. Ever been convicted of a crime?

A. Yes.

Q. And you say your name is Anzol Simon?

A. That's right.

Q. Ever been around Los Angeles?

A. Yes, I have.

Q. 1943? A. Since '37, '36.

Q. Were you there in 1943?

A. Yes, I were.

Q. And you say you never have been convicted of a penitentiary [104] sentence?

A. What is a penitentiary sentence may I ask?

Q. Oh, something like robbery?

A. Well, yes.

Q. Then you have been?

A. Is that a penitentiary sentence?

Q. Well, I am asking you. I believe it is.

A. Well, I have been convicted.

Q. That wasn't——(Interrupted.)

(Testimony of Anzol Simon.)

Mr. Hurley: I object to this, if the Court please, of going into details. He has already asked the question. The statute gives him the permission to ask and he has answered it.

Mr. Hepp: This is not a defendant, your Honor. This is a witness.

Mr. Hurley: Doesn't make any difference who it is.

The Court: Objection overruled.

Q. (By Mr. Hepp): That's not the conviction though that you were—was it the one that you said you had been convicted of a crime?

A. Well, no. I was thinking of here in Alaska.

Mr. Hepp: That's all.

Mr. Hurley: That's all.

(Mr. Anzol Simon was excused and left [105]  
the witness stand.)

Mr. Hurley: I call Willa May Walters.

### WILLA MAY WALTERS

called as a witness in behalf of the defendant, having been first duly sworn, testified as follows:

#### Direct Examination

By Mr. Hurley:

Q. What is your name?

A. Willa May Walters.

Q. Speak up loud, so that they can hear you.

The Court: Give her the loud speaker.

(The Clerk of the Court handed the witness the loud speaker.)

(Testimony of Willa May Walters.)

Q. (By Mr. Hurley): How old are you?

A. 26.

Q. And where do you live now?

A. At 23rd and Mercer.

Q. Here in Fairbanks?

A. That's right.

Q. How long have you lived here?

A. Last January the 7th.

Q. Are you acquainted with the defendant, Raymond Wright?      A. I am. [106]

Q. And you know his wife, Mrs. Wright?

A. I do.

Q. Do you know Vanada Donaby?

A. Yes.

Q. How long have you known her?

A. Since last May I believe.

Q. And where did you meet her?

A. At the Cotton Club.

Q. What were you doing there?

A. Well, I was working for Mrs. Wright.

Q. And did you know a man by the name of William Jones, a plumber, that testified here yesterday?      A. Yes, I did.

Q. Did you know a man by the name of Nathaniel Woods?      A. I did.

Q. How long have you known those men?

A. I have known William Jones since '44 in California.

Q. And how long have you known Nathaniel Woods?

(Testimony of Willa May Walters.)

A. I just met him the last few months. I can't recall just when.

Q. What were these men doing when you saw them here in Fairbanks?

A. They were putting in some plumbing for Mr. Wright.

Q. Did you ever have any conversation with these two men and—this William Jones and Nathaniel Woods and Vanada [107] Donaby in regard to taking money out from Mr. Wright's place?

Mr. Hepp: Just a minute, don't answer. I object to that, your Honor. Counsel is trying to bring in these red herrings. Unless he can show the relation to the issues before this court, I don't think that they are pertinent or relevant and I object to their being gone into.

Mr. Hurley: If the Court please, I want to show that—why, I think this is important to show their feeling of the witness Vanada Donaby and Jones and Woods.

The Court: No foundation laid for that at all. Objection sustained.

Q. (By Mr. Hurley): Well, I will ask you this question. Did these people, these three people, Vanada Donaby, William Jones and Nathaniel Wood ever talk to you about stealing the—(Interrupted.)

A. They did.

Mr. Hepp: Just a minute, I object, your Honor—(Interrupted.)

Q. (By Mr. Hurley): What was that?

Mr. Hepp: Don't answer that.

(Testimony of Willa May Walters.)

Q. (By Mr. Hurley): Did they talk to you about stealing a safe or a little strong box in which the defendant, Raymond Wright, kept his [108] money?

Mr. Hepp: Just a minute. Don't answer that. I object to that for the same ground as the other one. There is no foundation laid and it is prejudicial.

The Court: Objection sustained.

Mr. Hepp: And I believe that witness did make some remark in response to counsel's question and if she did, I desire to have it stricken from this record.

The Court: May be stricken.

Mr. Hurley: I would like to make an offer of proof, your Honor.

(The following proceedings were had out of the presence and hearing of the jury:)

Mr. Hurley: I offer to prove by this witness that she and Vanada Donaby and William Jones and Nathaniel Woods planned to steal this safe or strong box from the defendant, Ray Wright, and that Vanada Donaby heard their conversation, your Honor, to take it and that she was supposed to leave with them when they left Fairbanks, but that she decided not to go into the larceny of the box and money and did not leave from Fairbanks.

Mr. Hepp: Now, I object to that. It has no relation to this trial. The charge in the Grand Jury went into that matter. It has no relation to this



(Testimony of Willa May Walters.)

case at all, your Honor, and I don't feel that it goes to prove any issues here or as far as I am concerned, is a proper [109] impeachment of any witness. It has never been proven or any showing been made. I can go into this matter and show that witnesses were invited to come before the Grand Jury if they had anything and suddenly this comes up all at the last minute and to use their witness to bring in this red herring and prejudice this jury by a matter that is not connected or affecting this trial, to induce or procure to prostitution. It is remote and disassociated and a completely independent matter.

Mr. Hurley: I offer merely to show the credibility of the government's witnesses and the feelings and animosity that they have in the case against the defendant, Raymond Wright, and for no other purpose.

The Court: No foundation laid for such a question. Objection is sustained.

(The following proceedings were had in the presence and hearing of the jury:)

Mr. Hurley: Just a second, your Honor, That's all. You may cross-examine.

### Cross-Examination

By Mr. Hepp:

Q. Just a minute. Did you say that you worked for Mrs. Wright out at the Cotton Club?

A. I did.

(Testimony of Willa May Walters.)

Q. What was the nature of your work? [110]

A. Most anything she had to do around there. House work.

Q. Did you entertain men out there?

Mr. Hurley: We object to that, as incompetent, irrelevant and immaterial, not proper cross-examination. She said she worked for Mrs. Wright and the case has been dismissed against Mrs. Wright.

The Court: I will sustain the objection. Question of entertaining men is too vague. That is cross-examination.

Mr. Hepp: Sir? I didn't hear—quite understand your last statement?

The Court: Words, "entertaining men" is too vague. This is cross-examination.

Q. (By Mr. Hepp): Have you ever worked as a prostitute out at the Club 69, Willa May?

A. (Pause.) At one time.

Q. What time was that?

A. When I first came.

Q. And what was the dates that you worked as a prostitute, Willa May?

A. During the first month that I came here, in January.

Q. Last January? And that was for one month?

A. That's right.

Q. And you have not worked as a prostitute since— (Interrupted.) [111] A. No.

Q. Since January? A. No.

Q. You have done house work? Is that right?

(Testimony of Willa May Walters.)

A. That's right. Since then, I was taking my meals there and I have my own—house of my own. I was paying Mrs. Wright for my meals since then.

Q. Did you ever live at the Cotton Club?

A. At one time.

Q. How long? Over what period of time?

Mr. Hurley: We object to that if the Court please; incompetent, irrelevant and immaterial.

The Court: Objection sustained.

Mr. Hepp: I would like to comment to the court that she testified that she knows things that go on out there. I believe I have a right— (Interrupted.)

The Court: I ruled on the question.

Mr. Hepp: No further questions.

Mr. Hurley: Just a minute.

### Redirect Examination

By Mr. Hurley:

Q. Did you rent a cabin out there for a while and live in it?      A. I did. [112]

Q. And took your meals where?

Mr. Hepp: I object to any further questions for the same reason that counsel objected?

The Court: Objection sustained.

Mr. Hurley: That's all.

(Willa May Walters was excused and left the witness stand.)

Mr. Hurley: I call Eva Kelly.

EVA KELLY

called as a witness in behalf of the Defendant, having been first duly sworn, testified as follows:

Direct Examination

By Mr. Hurley:

Q. What is your name? A. Eva Kelly.

Q. Where do you live?

A. I live at 648-4th.

Q. Here in Fairbanks? A. Yes.

Q. How long have you lived here?

A. Since 1946.

Q. Are you acquainted with Eleanor Jones—  
Elnora Jones?

A. Yes, she's my partner in the Triple X.

Q. How long have you known her? [113]

A. Since 1946.

Q. And did you know Vanada Donaby?

A. Not personally.

Q. You never were acquainted with her?

A. No.

Q. Well, were you out there when she was working for Eleanor Jones? A. No, I wasn't.

Q. Where were you?

A. I was in town.

Q. What? A. I was here in town.

Q. Do you know what Eleanor Jones' business or occupation has been?

(Testimony of Eva Kelly.)

Mr. Hepp: I object to that unless it is related into this trial. This Eleanor Jones seems to be cropping up all the time, your Honor, and she is not on trial here. There—it has nothing to do with this case and unless counsel lays a foundation—— (Interrupted.)

Mr. Hurley: The only thing is the—Vanada Donaby testified that she came up here originally to see Eleanor Jones and I want to see—to show what kind of person she was.

Mr. Hepp: Your Honor, showing that doesn't—there is no showing that she would know or anything else. [114] You don't condemn anybody by some of their friends or acquaintances or employers. I have worked for people in my lifetime and I wouldn't want to share their reputation.

The Court: Question is too broad, Mr. Hurley. I will sustain the objection.

Q. (By Mr. Hurley): Did you ever have occasion to discharge Vanada Donaby?

Mr. Hepp: I object to that unless that is shown to bear on this case here, your Honor. She said she wasn't even out—never had been out there while Vanada Donaby worked there. That's her own statement. I don't believe that that would be relevant.

The Court: Objection sustained.

Mr. Hurley: That's all.

Mr. Hepp: No further—no questions.

(Eva Kelly was excused and left the witness stand.)

Mr. Hurley: We will call Mrs. Wright.

VERNESTINE WRIGHT

called as a witness in behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Hurley:

Q. Speak up loud so we can hear you, Mrs. Wright. What [115] is your name?

A. Vernestine Wright.

Q. And are you the wife of the defendant, Raymond Wright? A. Yes.

Q. How long have you and the defendant been married? A. 8 years.

Q. Where were you married?

A. Ogden, Utah.

Q. And do you have children? A. Yes.

Q. How many? A. Two.

Q. And how old are they?

A. Two and three.

Q. Where were they born?

A. Fairbanks, Alaska.

Q. They both boys or both girls?

A. One girl and one boy.

Q. Which one is the older? A. The girl.

Q. Now, you were in the courtrooms, were you, when Vanada Donaby testified?

A. I was.

Q. Did you ever tell her or say anything to her about working as a prostitute out at your [116] place? A. I did not.



(Testimony of Vernestine Wright.)

Q. Did she ever turn any money over to you or the defendant?

Mr. Hepp: I object to these leading questions, your Honor. They just suggest the answer that counsel wants to get. He is putting words—— (Interrupted.)

Mr. Hurley: I can't find out any other way.

The Court: Objection overruled.

Q. (By Mr. Hurley): Just answer the question. A. No.

Q. What was she doing out there?

A. She was assisting me with the house work, the cooking and serving drinks.

Q. Who owns the 69 Club?

A. The property I do.

Q. And did you run it? A. I did.

Q. In the evenings, where did you and your husband live at that time when you were running—when you had the 69 Club, Mrs. Wright?

A. Well, I was living at the 69 Club.

Q. And where was—— (Interrupted.)

A. He was living at the Cotton Club.

Q. And was he around there in the evenings, Mr. Wright? [117]

Mr. Hepp: I object to this unless counsel fixes some kind of a date as to the—when this all was happening.

Mr. Hurley: Well—— (Interrupted.)

The Witness: Could have been part of the last three years.

Q. (By Mr. Hurley): During the month of

(Testimony of Vernestine Wright.)

April in 1950, was he around there in the evenings?

A. He was never around there in the evenings.

Q. During April, 1950?

A. Not unless he came in once or twice.

Q. And where was he staying?

A. Over at the Cotton Club.

Q. And where would the children—— (Interrupted.) A. They were in the States.

Q. What? A. They were in the States.

Q. In April? A. Yes.

Q. What were they doing out there?

A. My little boy has been to a specialist for a year.

Mr. Hurley: That's all. [118]

### Cross-Examination

Q. (By Mr. Hepp): You say Mr. Wright didn't live out at the Cotton—which place is which, Mrs. Wright? Now you referred to the Cotton Club and to the Club 69. Would you explain that?

A. The Cotton Club is on 23rd and Abigail and the Club 69 is on 28th on Cushman.

Q. And where did you live?

A. I lived at the Club 69.

Mr. Hurley: Where?

The Witness: Club 69.

Q. (By Mr. Hepp): And where did Raymond live?

A. He had been living over at the Cotton Club.

(Testimony of Vernestine Wright.)

Q. Never came around the Club 69, is that right?

A. Oh, he came around in the mornings, but never in the evenings; never in the evenings.

Q. Were you estranged from your husband during that time, Mrs. Wright?

A. No, I wasn't.

Q. Any particular reason why you didn't live together?

A. Yes.

Q. What was the reason?

A. Well, we were building a home at the old Cotton Club and he lived over there. We had quite a few fires. He thought he had better stick around the property and watch it. That's [119] the only reason.

Q. He went over to the Cotton Club then because he was building and watching out for fires?

A. Watching the property over there, yes.

Q. Did Willa May Walters just work as a housekeeper for you, too?

A. That's all.

Q. And your children were in the States?

A. My children was in the States.

Q. And your husband was at the Cotton Club?

A. Yes.

Q. And yet you have two housekeepers?

A. Well, Willa May Walters wasn't working for me when Vanada was.

Q. Oh, wasn't she out there at all?

A. She came around but she wasn't living there. She was living on 23rd and Mercer at her own house.

(Testimony of Vernestine Wright.)

Q. How much time would she spend a day?

A. Oh, she come over practically every day, take meals with me.

Q. Always leave by five o'clock, six o'clock in the evening, though?

A. Not all the time. I couldn't tell you when she would leave. Her hours was very infrequent.

Q. Have you ever been convicted of a crime, Mrs. Wright? [120]

A. Yes.

Mr. Hepp: I have no further questions.

### Redirect Examination

By Mr. Hurley:

Q. When did the children come up to Alaska from outside?

A. About two months ago.

Mr. Hurley: That's all.

Mr. Hepp: No further questions.

(Mrs. Vernestine Wright was excused and left the witness stand.)

Mr. Hurley: Call Ray Wright.

### RAYMOND WRIGHT

called as a witness in his own behalf, being first duly sworn, testified as follows:

### Direct Examination

By Mr. Hurley:

Q. What is your name?

A. Raymond Wright.

(Testimony of Raymond Wright.)

Q. And where do you live, Mr. Wright?

A. 23rd and Abigail.

Q. Here in Fairbanks? A. Fairbanks.

Q. How long have you lived here in Fairbanks?

A. Since 14th of April, '47. [121]

Q. When was your little girl born?

A. She was born on the 16th of September, 16th of September, 1947.

Q. And are you familiar with the 69 Club?

A. Yes, I am.

Q. And who owns that?

A. That is owned by my wife.

Q. And what was it used for?

A. It was used for a club room and place for the colored people to gather.

Q. Did you know a woman by the name of Donaby, Vanada Donaby, Mr. Wright?

A. I did.

Q. Did she ever work out there for your wife?

A. She did.

Q. Was she working for your wife or working for you? A. She was working for my wife.

Q. Were you there when she was employed?

A. I wasn't at the Club 69, no.

Q. Were you there at the time your wife employed her? A. Oh, no.

Q. And do you know the arrangement—what the arrangement was between your wife and Vanada Donaby?

Mr. Hepp: I object—just a minute—I object to that unless there is a foundation showing—he [122] said he wasn't there.

(Testimony of Raymond Wright.)

The Court: Objection sustained.

Q. (By Mr. Hurley): Well, did you ever employ her as a prostitute?

A. I had no place for prostitution.

Q. Just answer the question. A. No.

Q. Never did? A. No.

Q. And you heard the testimony of this man, William Jones? A. Yes.

Q. When he said that he had seen her go out with men and come back and give you money, did anything of that kind ever occur there at the Club? Did this Vanada Donaby ever go out with men and come back, with \$20 bills at any time, to you, Mr. Wright?

Mr. Hepp: I object to this witness being asked that, your Honor, unless he shows that he was around there to see what was happening.

The Court: Objection overruled.

Q. (By Mr. Hurley): Is that true?

A. She never did.

Q. Did you ever say anything to Vanada Donaby about coming out to the 69 Club to work? [123]

A. I never did. She was working there before I knew she was employed.

Q. Did you know two girls—women—whatever they were, that were mentioned by Nathaniel Woods, one he said was called Opal and one he said was called Shorty? A. Yes, I knew them.

Q. How long have you known them?

A. Well, Mrs. Weldon—— (Interrupted.)

Q. What is the first name?



(Testimony of Raymond Wright.)

A. Opal Weldon.

Q. How do you spell that last name?

A. W-e-l-d-o-n.

Q. She came up here when?

A. They came up in January the 7th.

Q. Opal Weldon? A. Yes, sir.

Q. And who came with her?

A. There was a girl named Bessie Johnson, Mr. Weldon and—those three came together.

Q. And did Opal Weldon or her husband ever live out there at your place?

A. The only place they ever lived.

Q. Did they both live there?

A. They both lived there.

Q. And where did they live? [124]

A. They lived in a cabin outside the Club 69 after it was moved to the 69 Club. But before that, they lived at the Cotton Club.

Q. And did this Opal Weldon work out there for you or your wife?

A. She didn't work to my knowledge.

Q. And what did her husband do there?

A. He was—several janitorial jobs.

Q. And what was his first name, do you remember? A. David.

Q. And this woman that he spoke of as Shorty, do you know who he meant? A. Yes.

Q. What is her name?

A. Her name was Jean Miller.

Q. Jean Miller? A. Jean Miller.

Q. Just a minute. A. Mrs.

(Testimony of Raymond Wright.)

Q. Do you know—did you know her husband?

A. Yes.

Q. And what was he doing here?

A. He had a job out at the base I think it was.

Q. And where did they live?

A. They were living at a cabin at the Cotton Club for a [125] while.

Q. What?

A. One of the cabins over at the Cotton Club.

Q. And did you—were they living together?

A. They were.

Q. And did she ever work there for you or for Mrs. Wright? A. She never did.

Q. They just lived out there—— (Interrupted.)

A. In one cabin.

Q. That you—that they rented from you, she and her husband? A. That's right.

Q. Did you ever threaten this Vanada Donaby if she would—attempted to leave; that you would kill her or make any threats of any kind in regard to her? A. No, I never did.

Q. Did you ever try to restrain her from any liberties in any way? A. No kind of way.

Q. Did you ever strike her or knock her on her face? A. No; no, sir.

Q. You heard her testimony here that you never laid your hands on her, didn't you?

Mr. Hepp: I object to that. Counsel—in the first place, that wasn't what was said. [126]

Mr. Hurley: Yes, it was.

The Court: Objection sustained.

(Testimony of Raymond Wright.)

Q. (By Mr. Hurley): And when—did you swear out a complaint against William Jones and Nathaniel Wood charging them with a larceny, Mr. Wright?      A. I—— (Interrupted.)

Mr. Hepp: I object to that unless it is shown that it has some place in this trial or has any relationship. It keeps cropping up like some of these other things, your Honor. It has no relationship to the issues before this court.

Mr. Hurley: It has been admitted. It shows the bias of these witnesses.

The Court: Objection sustained.

Mr. Hurley: That's all. You may cross-examine.

### Cross-Examination

By Mr. Hepp:

Q. Who is living at the Club 69 now, Mr. Wright?

A. Like the Cotton Club, this Club 69 has been closed.

Q. Who closed it?

A. I would say Mr. Hepp closed it.

Q. How was it closed? [127]

A. I don't know anything about the legal procedures.

Q. Well, I mean, by what means is it closed?

A. Well, he sends me a bunch of papers and he sends the Marshal to put a padlock on the door.

Q. Did you read any of the papers, Mr. Wright?

A. I give them to my lawyer.

(Testimony of Raymond Wright.)

Q. You didn't see the District Judge's signature on the papers by any chance, did you?

A. I give it to my lawyer. That's his job.

Q. Well, if the District Judge's signature——  
(Interrupted.)

Mr. Hurley: We object to that as incompetent, irrelevant and immaterial, as to—— (Interrupted.)

Mr. Hepp: Your Honor—— (Interrupted.)

Mr. Hurley (Continuing): ——whose signature was on the papers. The papers are the best evidence. It isn't up to him to know what they contained.

Mr. Hepp: He has testified concerning the Cotton Club. I believe I can go into it, your Honor.

Mr. Hurley: It doesn't have anything to do with this case.

The Court: Objection sustained. Show him any summons you claimed was served on him.

Q. (By Mr. Hepp): Well, isn't it true, Mr. Wright, that they were closed for [128] prostitution?

Mr. Hurley: We object to that as incompetent, irrelevant and immaterial.

The Court: Objection sustained.

Mr. Hurley: No foundation laid.

Q. (By Mr. Hepp): I was just a little curious, Mr. Wright. Did you state whether or not you lived at the Club 69 while Vanada Donaby was there? A. Did you ask me that question?

Q. No. In response to counsel—— (Interrupted.)

Mr. Hurley: I never asked him the question.

(Testimony of Raymond Wright.)

Mr. Hepp: Just a minute, Mr. Hurley. Let him answer.

Q. (By Mr. Hepp): Did you state whether or not you were living out there under direct examination?

Mr. Hurley: Well, I object to that as not proper cross-examination. I never asked him the question.

Mr. Hepp: I believe I can ask him whether he stated if he did or not, your Honor.

The Court: Well—— (Interrupted.)

Mr. Hepp: I don't just recall the testimony too clearly.

The Court: I will sustain the objection. [129] Ask him a direct question.

Q. (By Mr. Hepp): Did you live out at the Club 69 at the time when Vanada Donaby lived out there?

A. There might be several nights when I did live out there with my wife.

Q. Were you there a substantial portion of the time, Mr. Wright?

A. That all depends on what you mean by "substantial."

Q. Well, half of the 24 hours of the day.

A. I wouldn't say that.

Q. One-quarter of the day?

A. Well, I was quite irregular.

Q. Then you wouldn't know whether she entertained men or not, is that right, Mr. Wright?

A. Well, I would have to be in the room with

(Testimony of Raymond Wright.)

them and see it done to convince me. She could never convince me.

Q. Well now, Mr. Wright, I don't believe that you said that you never knew that, whether she entertained men. You stated that she never did entertain men. Now how do you know that if you weren't there?

A. To whom did I state that she never did——  
(Interrupted.)

Q. I believe you stated it to the jury and to the attaches of the court.

Mr. Hurley: I don't think he did. [130]

Mr. Hepp: Well, I have it written down, your Honor.

Mr. Hurley: I don't believe that that is evidence.

The Court: Just a moment. If you have an objection, make it. I don't want an argument between counsel.

Mr. Hurley: Well, I object to that as incompetent, irrelevant and immaterial for the reason that he never said it and he is attempting to convince the witness by stating that he testified to something that he didn't testify to. He said he didn't know anything about anybody staying out there.

The Court: Objection is overruled.

Q. (By Mr. Hepp): Would you answer the question?

A. What was the question, please?

Q. Mr. Wright, if you were not present any



(Testimony of Raymond Wright.)

more than a quarter of the time or whatever period of time you stated you were present at the Club 69, how would you know whether or not Vanada Donaby entertained men out there?

A. Mr. Hepp, if I was present all the time, how would I know?

Q. Did you state whether or not she did entertain men out there? [131]

A. I testified that I did not know whether she entertained men.

Q. Well, that's all right. Have you ever been convicted of a crime, Mr. Wright?

A. What is considered a crime?

Q. You mean you don't know what a crime is? I am inclined to believe that, Mr. Wright. That almost stops me, your Honor. Have you ever been convicted by any judge of a criminal act?

A. In the Territory of Alaska?

Q. Anyplace?

A. I don't think I have, sir. I was found guilty of a crime.

Q. Isn't that a conviction, Mr. Wright?

A. My interpretation of a conviction is when you serve time or be sentenced for it—serve time for it.

Q. Well, you could pay a fine, you could have a suspended sentence or—— (Interrupted.)

A. That too is my idea of a conviction.

Q. Oh. Has a court ever pronounced you guilty of a crime, Mr. Wright?      A. Yes.

Mr. Hepp: I believe that's all.

Mr. Hurley: That's all, your Honor. Defendant rests. [132]

(Mr. Raymond Wright was excused and left the witness stand.)

Mr. Hepp: May I have—well, your Honor, it is nearly 12 o'clock——

The Court: Let's see, Mr. Clerk——

Mr. Hurley: Do you have any other witnesses?

The Court: We have something at 1:30?

Clerk of the Court: We do, your Honor, yes.

The Court: In a few minutes, we will adjourn court until one-thirty but the jury will be excused until two o'clock. Upon adjournment, you will be excused until two o'clock. In the meantime, remember not to talk about the case among yourselves or with anyone or to permit anyone to talk about it within your hearing. Keep your minds perfectly free from any opinion as to the guilt or innocence of this defendant until the case is finally submitted to you. Recess to one-thirty.

(At this time, the trial of this cause was adjourned until 2 p.m., November 6, 1950.)

(At 2 p.m., November 6, 1950, came the respective counsels as heretofore, came the defendant in person, and the trial of cause number 1507 criminal was resumed, the Honorable Harry E. Pratt, District Judge, [133] presiding.)

The Court: Call the roll of the jury.

(The Clerk of the Court called the roll of the jury, each juror answering to his or her name.)

Clerk of the Court: They're all present, your Honor.

The Court: In the form of verdict which copy have been served on the attorneys, in the last line after the word "prostitution" interlineate the words "as set forth" and the following as a last sentence should be, "Dated at Fairbanks, Alaska, this blank day of November, 1950." That should be added to it. Counsel ready to proceed with the trial of this case?

Mr. Hepp: I am ready, your Honor.

The Court: Very well.

Mr. Hepp: I would like to call one witness in rebuttal.

The Court: Very well.

Mr. Hepp: Call Vanada Donaby, please.

#### VANADA DONABY

having been previously sworn, resumed the witness stand and testified as follows:

#### Direct Examination in Rebuttal

By Mr. Hepp:

Q. Miss Donaby, do you know a person named Dora Woods? A. No, I don't. [134]

Q. Have you ever had any one pointed out to you that was named Dora Woods?

A. Yes, I have.

(Testimony of Vanada Donaby.)

Q. When was that? A. This morning.

Q. Have you ever seen that person before?

A. No, I haven't.

Q. During the year of 1945, were you ever around any project known as the Hanford Works or some similar name, Miss Donaby?

A. No, I wasn't.

Mr. Hepp: You may question the witness.

### Cross-Examination in Rebuttal

By Mr. Hurley:

Q. Where were you living in 1945?

A. Gem Hotel.

Q. Whereabouts?

A. In Seattle, Washington.

Q. What? A. In Seattle, Washington.

Q. You didn't work at Hanford at all?

A. Not in 1945.

Q. When did you work there?

A. 1943. [135]

Q. What were you doing there?

A. Bus girl.

Q. That was in 1943, was it?

A. That's right.

Q. What? A. That's right.

Q. You couldn't be mistaken that it was '45?

A. No, I couldn't.

Q. How do you know it was 1943?

A. Because I know it was '43.

Q. But you did work at Hanford?

(Testimony of Vanada Donaby.)

A. '43, yes.

Q. And what were you doing?

A. Bus girl.

Q. I see. And what was Dora Woods doing there when you were working there?

A. I don't know Dora Woods.

Q. You never heard of a girl commonly known as Peaches there in Hanford?

A. No, I haven't.

Mr. Hurley: That's all.

Mr. Hepp: That's all.

(Miss Vanada Donaby was excused and left the witness stand.)

Mr. Hepp: I would like to come forward, [136] your Honor, with a proposition.

The Court: Yes.

Mr. Hepp: I would like to come forward to the bench.

The Court: Yes.

(The following proceedings were had out of the presence and hearing of the jury.)

Mr. Hepp: Your Honor, I have sent wires, quite a number of them, to Seattle and to Hanford. Now, the replies to those wires is likely to take some time because these records are old. I hesitate to ask the court to hold this trial over or upon return of that, but I will ask that a reasonable time be given to allow the return of those wires. I don't feel that it is an indispensable part of this trial and

I am not going to urge the matter. I thought I would make it a matter of record that I have sent those wires, your Honor.

Mr. Hurley: I would—— (Interrupted.)

The Court: Motion denied.

Mr. Hurley: I would like to have a chance to get some information down there myself, your Honor, as far as that is concerned.

The Court: Well, I don't want to delay the trial. It wouldn't be admissible anyway as far as I can see. [137]

(The following proceedings were then had in the presence and hearing of the jury.)

Mr. Hepp: I will rest the government's case in rebuttal.

Mr. Hurley: We rest, your Honor.

The Court: How much time do you want for argument, each side.

Mr. Hepp: An hour is adequate for me, your Honor.

Mr. Hurley: I don't expect to take any more than an hour as far as I am concerned.

The Court: Very well. One hour to a side. Proceed with your argument.

(At this time, Mr. Hepp presented his opening argument to the jury.)

(At the conclusion of Mr. Hepp's opening argument to the jury, Mr. Benton presented the opening argument to the jury for the defendant.)



(At the conclusion of Mr. Benton's presentation to the jury, Mr. Hurley requested a ten minute recess, which request was granted by the court.)

(The trial of this case resumed and the Clerk of the Court called the roll of the jury at the court's request, each juror answering to his or her name, and at this time, Mr. Hurley presented, on behalf of the defendant, [138] the closing argument to the jury.)

(At the conclusion of Mr. Hurley's argument to the jury, Mr. Hepp presented, on behalf of the government, his closing argument to the jury.)

(At the conclusion of counsels' arguments to the jury, the following proceedings were had.)

The Court: Mr. Hepp, Mr. Benton, I am making a little change in instruction number three. That is next to the last line, cross out the first three words which are "willing to be" and insert "easily."

(At this time, the Court read the instructions to the jury as follows:)

### Instructions to the Jury

#### I.

A. The indictment in this case charges as follows: that on or about the 14th day of April, 1950, in the Fourth Judicial Division, Territory of Alaska, Raymond Wright feloniously induced and

procured a woman, to wit, Vanada Donaby, for the purpose of prostitution;

B. (1) The word "induce" as used in the indictment in this cause has the following meanings: to influence; to prevail on; to move by persuasion or influence; to bring about; to effect; to cause;

(2) The word "procure" as used in said indictment has the following meanings: to bring into possession; to acquire; to get; to obtain; [139]

(3) The word "prostitution" as used in the indictment in this case means the practice of a female offering her body to indiscriminate sexual intercourse with men for hire.

(C) Although it is alleged in the indictment that the crime denounced therein was committed on or about the 14th day of April, 1950, it is only necessary that the plaintiff, the United States, prove beyond a reasonable doubt that the crime denounced in said indictment was committed within three years prior to the date of the indictment, to wit, October 17, 1950. Consequently, the jury should consider that proof beyond a reasonable doubt that said offense charged in the indictment herein was committed within three years prior to October 17, 1950, is proof of the allegation in said indictment that said offense was committed on or about the 14th day of April, 1950.

## II.

You are instructed that the Indictment is a mere accusation and is not in itself any evidence of the defendant's guilt.

The defendant has pleaded not guilty to the matters set forth in said Indictment. That plea puts in issue every material allegation of the Indictment and puts the burden of proof upon the plaintiff to prove every such allegation beyond a reasonable doubt. The defendant is presumed to be [140] innocent and until the plaintiff has proven every material allegation of said indictment beyond a reasonable doubt, the defendant is entitled to the continued benefit of the presumption of his innocence.

### III.

A. If the jury believes that the evidence in this case has failed to prove beyond a reasonable doubt any allegation of the indictment herein as to the defendant, Raymond Wright, the jury should find the said Raymond Wright not guilty of the crime set forth in the indictment.

B. If the jury believes that the evidence in this case has proved beyond a reasonable doubt that the defendant, Raymond Wright, within three years prior to October 17, 1950, in the Fourth Judicial Division, Territory of Alaska, did then and there induce and procure a woman, to wit, Vanada Donaby, for the purpose of prostitution, the jury should find said defendant, Raymond Wright, guilty of the crime set forth in the indictment.

What has been said above in this sub-paragraph is true regardless of whether or not said Vanada Donaby had been a prostitute prior to the time in the spring of 1950 when she went to the Club 69 to live. Likewise, what is said above in this sub-

paragraph is true even if said Vanada Donaby was easily influenced to become a prostitute at said Club 69 in the spring of 1950. [141]

#### IV.

You are instructed that, as used with reference to the case now on trial:

The word "wilfully" means intentionally and deliberately, and implies knowledge on the part of the wrongdoer.

The word "unlawfully" means forbidden by law.

The word "feloniously" means the unlawful doing of an act which may be punished by imprisonment in the penitentiary, such as the crime charged in this case. The word "unlawfully" is included in the word "feloniously."

#### V.

In regard to the term "reasonable doubt," as used in these instructions and as defined by law, you are instructed as follows:

(a) If, after considering all of the evidence in the case, there is in the minds of the jury a fixed conviction that the defendant is guilty, the jury would be justified in considering that there is no reasonable doubt in the minds of the jury in the sense in which the term is used in these instructions.

(b) A doubt, to be such a reasonable doubt, must have an actual and substantial basis and not be a mere fanciful speculation. It cannot be a reasonable doubt if it ignores a reasonable interpretation of the evidence. The [142] rule of law as to a reason-

able doubt is a practical rule for the guidance of practical jurors when engaged in the solemn duty of assisting in the administration of justice. To prove a proposition beyond a reasonable doubt, the evidence must be such that it would convince a reasonably prudent man of its truth to such a degree of certainty that he would feel like acting upon such conviction in matters of the highest importance to his own personal interests.

In other words, a reasonable doubt is one which is reasonable in view of all of the evidence and such as arises upon an impartial comparison and consideration of all evidence and prevents the jury from being able to say candidly and truthfully that they have an abiding conviction of the defendant's guilt.

## VI.

The jury is instructed that they should bring to bear upon the consideration of the evidence or lack of evidence in this case all of the common knowledge of men and affairs which they, as reasonable human beings, have and exercise in everyday affairs of life. Accordingly, you should draw from the evidence or lack of evidence in this case all deductions which appear to you to flow logically from the evidence or lack of evidence. Whatever verdict is warranted by the evidence under the instructions of the Court, you should return as you have sworn [143] to do.

## VII.

You are instructed that a person charged with the commission of a crime shall at his own request, but not otherwise, be deemed a competent witness



in his own behalf—the credit to be given to his testimony being left solely to the jury under the instructions of the court.

You are instructed that in this case the credit to be given to the testimony of the defendant, who has voluntarily offered himself as a witness and testified in his own behalf, is left solely to you and you should give it the same fair and candid consideration as you do the testimony of other witnesses in the case, but you have a right to take into consideration the interest of the defendant in the result of the trial as affecting his credibility.

#### VIII.

In determining the credit you will give to a witness and the weight and value you will attach to his testimony you should take into account the conduct and appearance of the witness upon the stand; the interest he has, if any, in the result of the trial; the motive he has in testifying, if any is shown; his relation to or feeling for or against any of the parties to the cause; the probability or improbability of his statements; the opportunity he had to observe and to be informed and the inclination he evinced to speak the truth or otherwise as to matters [144] within his knowledge. It is your duty to give to the testimony of each and every witness appearing before you such credit as you consider the same justly entitled to receive.

You are further instructed that in your consideration of the evidence in this case you should analyze it in the light of the knowledge which your



experience in life has given you, and you should draw from the evidence all logical and natural deductions and be governed accordingly.

### IX.

You are instructed that the laws of the Territory of Alaska lay down the following general rules for your guidance as to the value of evidence, to wit:

1. That you are not bound to find in conformity with the declarations of any number of witnesses which do not produce conviction in your minds against a less number, or against a presumption or other evidence satisfying to your minds.

2. That a witness wilfully false in one part of his testimony may be distrusted in others.

3. That evidence is to be estimated not only by its own intrinsic weight, but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and, therefore,

4. That if the weaker and less satisfactory evidence is offered when it appears that stronger and more [145] satisfactory evidence was within the power of the party, the evidence offered should be viewed with distrust.

5. That oral admissions of a party should be viewed with caution.

### X.

You are instructed as follows:

1. That you should not consider any evidence

sought to be introduced, but excluded by the court, nor should you consider any evidence that has been stricken from the record by the court;

2. That it is manifestly impossible for the court to cover the law of this case in a few instructions and that, therefore, you should consider all the instructions together and not disconnectedly;

3. That wherever in these instructions the masculine is used, it shall be deemed to include the feminine, unless the context shows it to be inapplicable.

4. That you should endeavor to agree upon a verdict and should calmly reason with your fellows with the view of arriving at a verdict. You should not refuse to agree from pride of opinion, nor should you surrender any conscientious views founded on the evidence or lack of evidence.

5. That wherever in these instructions the singular is used, it shall be deemed to include the [146] plural, unless the context shows it to be inapplicable.

## XI.

Pursuant to the foregoing instructions, I have prepared a form of verdict, which is more or less self-explanatory for you take into your jury room. You should elect a foreman and by him or her sign the verdict upon which you unanimously agree, and return it into the court as your verdict.

In the blank in said form of verdict, you should insert the words "guilty" or "not guilty" according to your finding as to the defendant, Raymond Wright.

Herewith I hand you these instructions for your guidance, together with the above-mentioned form of verdict, the indictment in this case, and the exhibits that have been introduced in evidence. Return all of these into court with your verdict.

Dated at Fairbanks, Alaska, this 6th day of November, 1950.

HARRY E. PRATT,  
District Judge.

(At the conclusion of the court reading the above instructions to the jury, the following proceedings took place:)

The Court: Attorneys can come forward at this time and take exceptions. [147]

(The following proceedings were had out of the presence and hearing of the jury:)

Mr. Benton: If your Honor please, I guess it is "C" in—under 1, where it mentions about the three year part, I except to that.

Mr. Hepp: On what grounds, Mr. Benton?

Mr. Benton: Upon the grounds that it is too remote, that it is set up in the indictment "on or about" and that it must be proven "on or about" the date set out in the indictment and not within the three years. I believe the next exception is practically the same. That is instruction number three "B". I believe that is it. It has to do with the same thing, your Honor, the three year period. That I except to.

Mr. Hepp: Your Honor, I oppose those—— (interrupted).

The Court: Yes, I will overrule it. Is that all, Mr. Benton?

Mr. Benton: Then the other change from “willing to be” to “easily”.

The Court: That was the change that was made, yes.

Mr. Benton: That was the change that was made, your Honor. I just want to except to those and you ruled on them? [148]

The Court: Yes, I deny the—overrule the objections. Do you have any, Mr. Hepp?

Mr. Hepp: No, I have none, your Honor.

The Court: Very well.

(The following proceedings were had in the presence and hearing of the jury:)

The Court: The jury may retire in the custody of the bailiffs.

(Annella Davis and Alfred Barber were duly sworn as bailiffs, and at 3:55 p.m., the Jury, in charge of its sworn bailiffs, retired to enter upon its deliberations.)

United States of America,  
Territory of Alaska—ss.

I, Charles Belida, the Official Court Reporter for the above-named court, do hereby certify,

That I am the Official Court Reporter for the United States District Court, Fourth Judicial Division, District of Alaska, that I was present in open

court upon the 3rd and 6th days of November, 1950, the dates on which the trial of cause number 1507 criminal were had,

That I recorded in shorthand all of the oral proceedings had in open court,

That the foregoing pages, numbered 1 through 149, inclusive, constitute a full, true, complete and accurate transcript of my original shorthand notes taken at the time of trial.

Dated at Fairbanks, Alaska, this 11th day of January, 1951.

/s/ CHARLES BELIDA,  
Official Court Reporter.

Subscribed and sworn to before me this 11th day of January, 1951.

[Seal] /s/ JOHN B. HALL,  
Clerk of Court.

[Endorsed]: Filed January 23, 1951. [149]

[Title of District Court and Cause.]

## CERTIFICATE OF CLERK

I, John B. Hall, Clerk of the above-entitled Court, do hereby certify that the following list comprises all proceedings as per Praeceptum for Transcript of Record by Appellants in the above-entitled cause, viz:

1. Indictment .....	1
2. Motion to Dismiss .....	3
3. Order Overruling Motion to Dismiss Indictment .....	4
4. Order, Plea and Setting Time for Trial....	5
5. Verdict .....	6
6. Judgment and Commitment .....	7
7. Exhibit Number 1.....	8
8. Notice of Appeal .....	9
9. Order of Release.....	10
10. Order Extending Time to File, Record and Docket Transcript .....	11
11. Praeceptum for Transcript of Record.....	12
12. Transcript of Testimony and Trial (Pgs. 1-149) .....	—

Witness my hand and the seal of the above-entitled Court, this 23rd day of February, 1951.

[Seal]      /s/ JOHN B. HALL,

Clerk of the District Court,  
Fourth Judicial Division,  
Territory of Alaska.



[Endorsed]: No. 12868. United States Court of Appeals for the Ninth Circuit. Raymond Wright, Appellant, vs. United States of America, Appellee. Transcript of Record. Appeal from the District Court for the Territory of Alaska, Fourth Division.

Filed February 26, 1951.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the  
the Ninth Circuit.

In the United States Court of Appeals  
for the Ninth Circuit

No. 12868

RAYMOND WRIGHT,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

APPELLANT'S STATEMENT OF POINTS  
AND DESIGNATION OF RECORD

Comes now the Appellant above named by his attorneys, Julien A. Hurley and Quincy W. Benton, and respectfully requests and designates the entire record including all the testimony be printed for submission to the Court in the above-entitled criminal action.

The points to be relied upon by Appellant are as follows:

1. Errors of the Court in admitting evidence offered by Appellee which was objected to by Appellant and admitted over the objections of Appellant and which evidence was incompetent, irrelevant and immaterial and which was prejudicial to the rights of Appellant.

2. Testimony of Appellant which was offered in evidence and which was objected to by attorney for Appellee and which was excluded by the Court which under the law was admissible. Rulings of

the Court on such objections refers not only to direct evidence but to cross-examination of Appellee's witnesses.

3. Errors of the Court in instructing of the jury as to the law of the case and which instructions were objected and excepted to by the Appellant, the reasons being stated why they were erroneous by the attorneys for Appellant.

That the only copy of the transcript and the record has been sent to San Francisco for printing and the points relied upon will be more fully defined and set forth in Appellant's Brief.

/s/ JULIEN A. HURLEY, [152]

/s/ QUINCY BENTON,

Attorneys for Appellant.

Receipt of Copy acknowledged.

[Endorsed]: Filed March 5, 1951. [153]

